59
january 1960
general
and legal

european
broadcasting union

b

e.b.u. review

sound and television broadcasting news

THE E.B.U. REVIEW

which appears in separate English and French editions, consists of two parts :

Part A : Technical

published in February, April, June, August, October and December.

Part B : General and Legal

published in January, March, May, July, September and November.

Part A is published by the
Technical Centre of the E.B.U., 32, avenue Albert Lancaster, Brussels, Belgium.

Part B is published by the
Administrative Office of the E.B.U., 1, rue de Varembé, Geneva, Switzerland.

*

SALE AND SUBSCRIPTION TERMS

Part A : Single issue - 30 Belgian francs ; annual subscription - 150 Belgian francs (6 issues).

Part B : Single issue - 3 Swiss francs ; annual subscription - 15 Swiss francs (6 issues).

Parts A and B : Annual subscription to both parts (12 issues) - 300 Belgian francs or 27 Swiss francs.

These prices include postage by surface-mail. A discount is allowed to recognised booksellers.

*

Subscription orders should be sent :

For **Part A :**

to the Technical Centre, Brussels, and paid into postal cheque account (CCP) N° 729.87 - UER, Centre Technique, Compte spécial, Brussels, or into the EBU account N° 560.743 at the Banque de la Société Générale de Belgique, Agence Vivier d'Oie, Brussels 18.

For **Part B :**

to the Administrative Office, Geneva, and paid into postal cheque account (CCP) N° I. 2969, Geneva, or into the EBU account at the Société de Banque Suisse, Geneva.

For **Parts A and B :** (combined subscription) to either the Technical Centre or the Administrative Office.

*

The reproduction of **articles** is permitted only with the prior consent of the Editor.

The reproduction of **news items** is permitted subject to acknowledgment to the number of the **EBU Review** in which they appeared.

The responsibility for signed articles rests solely with the authors.

E.B.U. REVIEW

PART B - GENERAL AND LEGAL

PUBLISHED BI-MONTHLY

by the

ADMINISTRATIVE OFFICE OF THE EUROPEAN BROADCASTING UNION

Editorial and Publishing Office : 1, rue de Varembé, Geneva (Switzerland)

Telex : 22 230 Telegrams : Uniradio Geneva Telephone : 33 74 60

No. 59 - January 1960 **PRICE : 3 Swiss francs**

CONTENTS

GENERAL SECTION

Scandinavia Pools Television Resources, by Henrik HAHR 2

Presentation of General Election Results on BBC Television, by Grace Wyndham GOLDIE 5

Telesvision and the British General Election, by John BEAVAN 8

" Telescuola " Enters its Second Year, by Maria Grazia PUGLISI 12

The " Voice of Switzerland ", by G. H. PADEL 14

Eurovision Programme Statistics 16

News and Information

International

More about the " Chasseurs de Son ", by Jean BOREL 19

Unesco, International Film and Television Council, Calendar of International Conferences 20

National

Australia, Belgium, Canada, Denmark, France, Germany (Federal Republic), Italy, Saudi Arabia, United Kingdom 21

Book Reviews 24

LEGAL SECTION

Some Aspects of Freedom of Information, by Albert NAMUROIS 25

News and Information

Council of Europe, ILO-Unesco-Berne Union, Germany (Eastern Zone), Italy, New Zealand, Switzerland 32

Book Reviews 41

E.B.U. ACTIVITIES 44

Editeur responsable: Ch. Gilliéron, 1, rue de Varembé, Geneva (Switzerland)

GENERAL SECTION

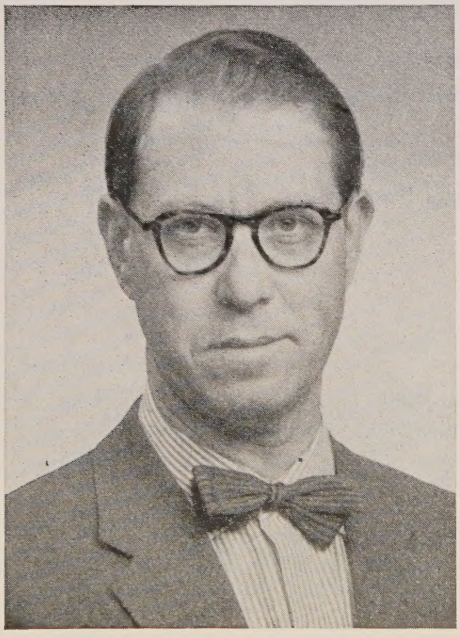
SCANDINAVIA POOLS TELEVISION RESOURCES

by HENRIK HAHR

Programme Director, Sveriges Radio

"How do they do it in Denmark?" "Which way does Norway look at it?" "What's the Finnish view, and the Icelandic one?" "What's happening in Sweden?"

When decisions have to be taken on a matter, big or small, it has become natural for people in Copenhagen, Helsinki, Oslo, Reykjavik and Stockholm to ask how other countries have tackled it. As the above questions



M. HENRIK HAHR

indicate, it has also become natural for the Scandinavian countries to ask one another first. Indeed, in our day and age it is a self-evident necessity for each of them to experience the life of the others and to find out more about them. This is especially true of the people who are responsible for radio and television broadcasting in the Scandinavian countries.

Or, put in other words, we of the broadcasting field are bound by quite a few obligations when it comes to imparting information on Scandinavian affairs and encouraging our audiences to learn and understand the way our neighbouring countries have of doing things, of discussing and acting. This is not to suggest that we should all adopt the same approaches to different problems—we definitely do not. But it so happens that the Scandinavian countries are more or less alike in their conditions. They all enjoy a fairly high standard of living, and the average educational attainment of their peoples is pretty high, too. These countries, moreover, have established quite a few liaison bodies (the most prominent being the Nordic Council), which provide ample incentive for developing and fostering the co-operation which already exists in Northland.

The next question that comes to mind is how television can be employed to contribute to this objective. Perhaps comparisons with radio are inevitable here: a review of the results achieved by several decades of Scandinavian teamwork in radio broadcasting discloses that television would have given even better expression to many stimulating ideas and projects. Nevertheless, it needs to be pointed out that the exchange of television programmes requires a greater measure of coordinated broadcast-engineering than is true of radio.

Up to the present time the Scandinavian countries are prevented by programme transmission problems and the dissimilar developmental stages of their television services from exchanging programmes on equal terms.

Denmark is Scandinavia's veteran in the international liaison department, having joined the Eurovision link as early as September 1956. Sveriges Radio—the Swedish Broadcasting Corporation—made its first hook-up with Eurovision in June 1958, a week before the start of the World Cup Football Championships. The Norwegian network, Norsk Rikskringkasting, acceded to Eurovision in October 1959, even though it will not officially begin television operations until the autumn of 1960. The Finnish network, Finlands Rundradio—which as from December 1959 is capable of relaying programmes from Sweden—will get a two-way connection over the Åland Islands during the spring of 1960. At the same time the Eurovision link is pushing further north so that by 1963 we can expect contact between Midnight-Sun country above the Arctic Circle and southern Sicily.

Parallel with this technical expansion as generally outlined above, the men responsible for television pro-

grammes are being spurred to work ever more closely together. The principal medium of this liaison has been and continues to be Eurovision. But within their own geographical area, the Scandinavian networks have already amassed more than 30 years of experience in the exchange of radio programmes. What, then, could be more natural than to try to duplicate the experience in the television field? This regional cooperation, moreover, would not be intensified at the expense of Scandinavia's relations with the Eurovision link as a whole. Quite the contrary—the Scandinavian networks view their liaison as a means of increasing their ability both to contribute programmes to Eurovision and to receive programmes from it. The working name given to this regional association is " Nordvision ", based on the analogy of Eurovision.

At this juncture it might be appropriate to touch briefly on the arrangements which govern the relationships of the Scandinavian networks both as regards radio and television broadcasting. The machinery of association is kept in motion by a cycle of regularly recurring and very effective conferences. It should be said at the outset that more than the mere exchange of programmes is involved; there are also a constant two-way traffic of information—technical, legal and economic—and mutual consultations aimed at achieving common guiding solutions of current problems at the highest level.

In all the Scandinavian countries the responsibility for both radio and television operations is vested in a single broadcasting company. Every year the directors-general of these companies, representing Denmark, Norway, Finland, Sweden and Iceland (the latter country is included even though it still lacks television), regularly meet at top-level conferences. Held in connection with these " summit meetings " are the administrative conferences: they used to be summoned every second year, but will now become annual affairs, the better to cope with the many television problems which are arising. The administrative conferences are attended by the directors-general, by members of the broadcasting company boards, and by administrative, economic and legal experts.

The engineers also have their regular meetings, which as from 1960 will be put on an annual basis to deal with the intensified television cooperation. Various matters of telecommunications, as well as such related matters as lighting, are handled at these technical conferences. It is planned to call in special experts to deal with other specialized problems such as design and supply, and make-up and wardrobe.

The legal problems, in particular, demand a great deal of attention. To deal with them the legal advisers of the Scandinavian networks will convene in Norway in the spring of 1960 at the invitation of Norsk Rikskringkasting.

Let us now turn our attention to programme operations. Under this heading, the work of Scandinavian liaison in radio broadcasting is conducted within seven special sections, which meet every second year. With regard to television, however, it has been found that special arrangements must be set up. Thus each of the television organizations maintains staff solely concerned with handling the day-to-day contacts with EBU's Administrative Office in Geneva and dealing with the special Scandinavian sphere. The television organizations, moreover, have formed their own counterparts to the Planning Sub-Group, consisting in this case of programme and production representatives. These subgroups were set up at a Scandinavian television conference held in Stockholm on October 29 and 30, 1959, and they held their first meeting in Copenhagen on November 14. With regard to current events programmes, the Television News departments of the Scandinavian networks have formed a direct working relationship.

The planning groups for programme operations meet in sequence in the Scandinavian capitals pursuant to the following schedule:

end of February, to deal with summer programmes running from June to September;

beginning of May, to deal with autumn programmes running from October to December;

beginning of October, to deal with spring programmes running from January to May.

These meetings are to be arranged so as not to conflict with the spring and autumn meetings of the EBU Programme Committee.

The Nordvision network will be laying particular stress on educational broadcasting. Radio programmes for schools have for many years been conducted on a very broad scale in Scandinavia, and many of the programmes have been the result of joint production. Looming large in this production are Norwegian, Danish and Swedish broadcasts of events happening " on the spot ", of literary readings, and of scenes from plays. As yet a television service for schools cannot match the scope of the sound programmes, but ambitious plans are now being drawn up for a common Scandinavian endeavour. In Sweden, a joint committee of educational authorities and officials from Sveriges Radio has already submitted a proposal calling for the start of school programmes on a modest scale in the spring of 1961. When the Scandinavian Ministers of Education met in Oslo in February 1959, they made a statement welcoming the beginnings of television cooperation in their field, adding, " We urge that the special possibilities of Nordic cooperation in respect of educational television be surveyed in time for our next meeting in 1960."

To date, no concrete plans have been worked out, but as the question of educational television matures in each of the Scandinavian broadcasting companies they will probably become increasingly clear in their minds as to the measures that can be taken. The consensus of those who are engaged at first hand with a television

service for schools in Sweden is that the spring of 1960 is a good target date for discussing the specific problems of Scandinavian cooperation and for submitting more concrete plans for programmes. It is also appreciated that there is more to this project than the planning and mounting of programmes for direct broadcast. Provision will also have to be made for separate telerecording facilities; in this way it will be possible for individual schools or teachers to put on programmes at times which suit them best. The technical, economic and distribution problems of a telerecording service are now the subject of inquiry in Sweden in collaboration with the educational authorities.

Summing up as regards educational television, we can safely say that it promises to develop into one of the fields in which Scandinavian cooperation will be closest and most extensive. At the same time it should also be emphasized that we are looking forward to new horizons of cooperation within the framework of the European Broadcasting Union and that we attach particular importance to having EBU's Programme Committee take up the European aspects for discussion.

A necessary observation to make when speaking of Scandinavian radio and television cooperation is that it has certain natural prerequisites on which to build. Our countries have many features in common economically, politically and culturally. We understand one another's languages, at least in part. The matter of languages, however, must be assessed in realistic terms. While granting that television facilitates social intercourse between Scandinavians, it would be wrong to assume that a Dane and a Swede understand one another linguistically and let it go at that. On the other hand, some Danish plays certainly lend themselves to broadcasting in Sweden without adaptation, and vice versa. And it is much easier for a Norwegian to follow a Swede, and vice versa. The Finnish language, of course, poses a special problem. Spoken by a majority of the Finnish people, as against a minority who speak Swedish, Finnish is incomprehensible to other Scandinavians. The significance of the language barrier in our part of the world should therefore not be underestimated. On the other hand, Danish, Norwegian and Swedish can and should be used—especially for educational purposes—in ways that enable the audiences of the three countries to accustom themselves to hearing one another's languages, as in plays, documentary films, children's programmes and the like. Where major sports events are concerned, however, the vast audiences which these command prefer to hear commentators in their own languages; the employment of one commentator for all the languages should be resorted to in exceptional cases only.

This general picture of what we are aspiring towards in the cultural sphere is rounded off by teamwork requirements in the production of programmes. It is still too early to summarize experiences under this heading in detail. One manifestation of this teamwork is to have a certain programme produced at regular intervals in each of the countries and relay it to the others. Another example, which offers great promise for the future, is the planning of newsreel expeditions. Such an expedition could be undertaken either jointly or individually —if, say, the individual expedition is for an extended assignment abroad, the organizing network would invite reporters from one or two of the other networks to come along. The Scandinavian networks have already agreed to keep one another informed about the destinations of their OB trucks.

The Nordic Council—which is an interparliamentary body—has evinced particular interest in liaison matters concerned with Scandinavian television. Its delegates have been generally discussing ways and means of promoting this liaison. When the question was presented before the Council's Cultural Committee in Oslo in 1958, it was observed that the networks had pushed plans for Scandinavian television cooperation a good bit ahead under their own initiative. The Council has also considered the idea of looking into the possibility of commercially sponsored television programmes; its latest session, however, decided against authorizing an inquiry into the matter because the basic conditions for television advertising are quite dissimilar in the member countries.

The experiences to date of Scandinavian television cooperation as outlined above will be exhaustively reviewed next year in Oslo, where the directors-general of the five networks plan to hold their next meeting.

PRESENTATION OF GENERAL ELECTION RESULTS ON BBC TELEVISION

by GRACE WYNDHAM GOLDIE
Assistant Head of BBC Television Talks

The reporting of the results of a national election gives a superb opportunity to television. Television is most itself when it is showing the viewer something which is happening at the moment, the outcome of which is of importance and is not yet known. Viewers are in the ringside seats. Every single person, sitting at home watching on his own set, is as privileged on this occasion as the highest in the land. Not even the Leaders of the parties—watching the results flow in while their own fates hang in the balance—know more than the shepherd in the Scottish hills or the factory worker in Newcastle. The suspense of television, the drama of the not yet known, on occasions like this is at its highest. Any horse race, of course, shown on television possesses something of this particular excitement. But not everyone is interested in horse racing. Certainly not everyone is interested in politics, either. But no one in Britain can ignore the fact that a change of party in the governmental driving seat must have national repercussions which will affect the life of every inhabitant of these islands. The potential for television, then, is inherent in the situation. The problem is how to capture the suspense and the drama of the occasion, while reporting with accuracy, speed and responsibility the facts, as well as inserting the national flavour of the occasion by comment, analysis and opinion from all sources: party leaders, political authorities, informed journalists, and men in the street all over the country—ranging from dockers in Southampton to housewives in London and village gossips in Wales.

In October, 1959, we did this with a total of fifty-seven television cameras, most of them spread around Britain and many moving rapidly overnight to new locations. These contributed to the minute-by-minute rapid reporting of the results. All were controlled from a single studio. This, the largest at Lime Grove, had been specially equipped, in that whereas it normally operates with four cameras, a further five were installed —three from an adjacent studio (turned for this occasion into a food and rest room for the operating staff) and two more specially obtained, which were equipped with zoom lenses.

The programme started at 9.15 p.m. with a ' colour ' sequence, which was designed to build up suspense: to show the preparations for counting the actual votes arriving from the polling stations all over the country and being counted in halls under the supervision of town clerks, with the anxious candidates standing by—waiting.

At ten p.m. we ourselves were all waiting on tenterhooks for the first results to come in. We had decided, in our planning, that speed of showing results must have absolute priority. So we had placed a network of outside broadcast cameras all over the country in locations from which early results were expected. We had supplemented these at other locations with ' sound only ' outside broadcast units, and these again with reporters in various other ' counts ' who could telephone direct to the studio.

(BBC photo)

Mrs. GRACE WYNDHAM GOLDIE, O.B.E.

We expected, by this scheme, to be able to cover by our own direct methods the first hour and a half of results without depending in any way upon ordinary agency sources, though we had these as a check. In fact, we heard subsequently that nearly all the great newspapers in the country, as well as radio correspondents sending information all over the world, took their news during this period from our BBC television programme, and not from the usual sources of information.

In the studio, an army of people were waiting. Commentators, with all kinds of methods of illustrating their points visually—swingometers, maps, charts, diagrams. There was an ' interview set ' from which interviews could

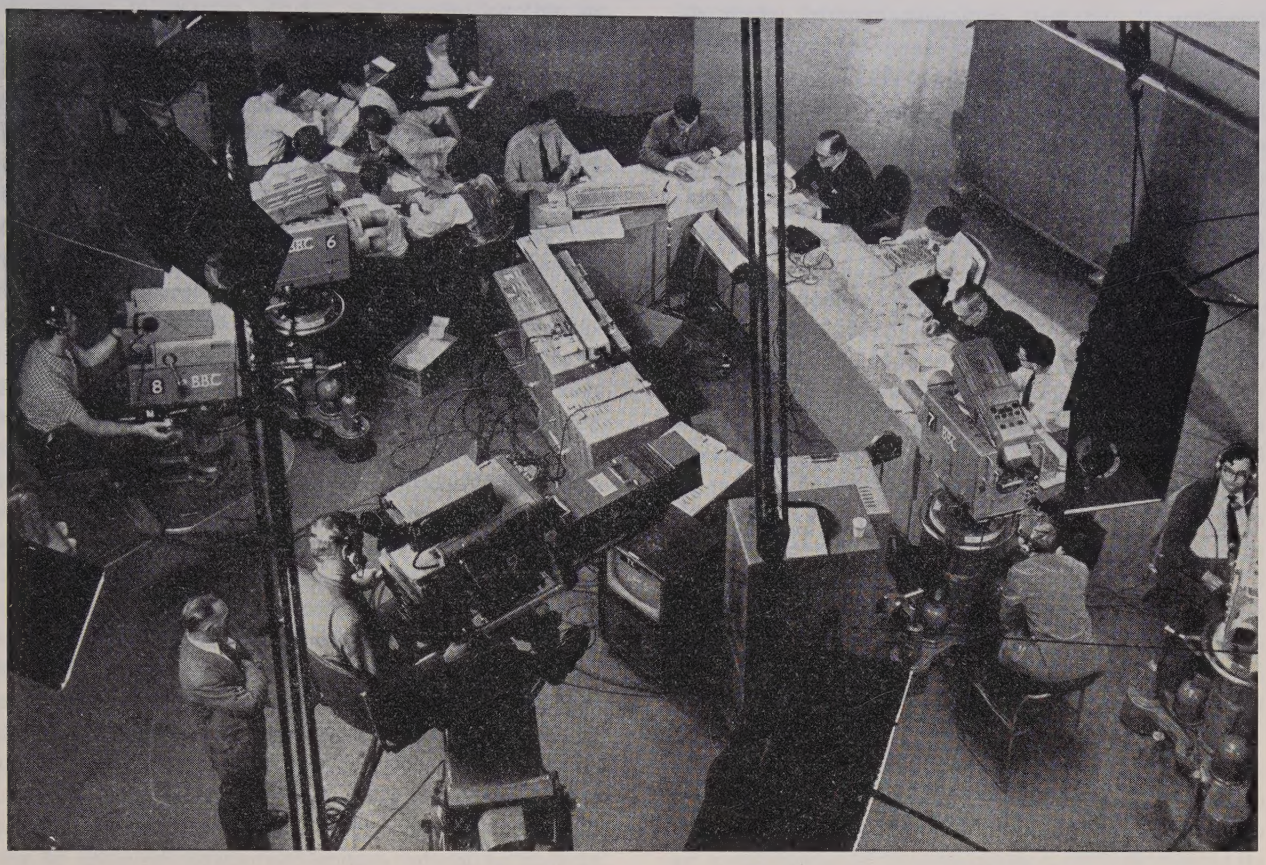
be conducted with people at remote outside broadcast points, tape machines, an ' electronic brain ' to process the results for the benefit of statisticians, runners to take information to a dozen different operation points simultaneously, and people to translate the information about results into visual terms. This last operation was, of course, the heart of the matter. When we first decided, in 1950, that in dealing with election results we must *show* them—not merely read them—the whole question of how to translate, at speed, a piece of verbal information into something which the viewer could read quickly and easily on his own screen raised great organisational problems. We decided, however, that it was essential. Television was a visual medium. Viewers must be able to *see* the results in detail, not just hear them. And we devised methods by which this could be done. These methods, embellished and improved each time, were used again in the elections of 1951, 1955 and 1959. Each individual constituency result was shown on the screen with all the figures in full detail. The improvements in 1959 were that we used white lettering on black cards rather than black on grey; and we devised a method of superimposition, without using extra cameras, so that essential *précis* of information such as ' Con. Gain' or ' Lab. Gain ' or ' No Change ' could be flashed on to the screen over the details on the individual constituency card without obscuring key information. We also superimposed photographs of interesting candidates and in most cases to get a good superimposition these photographs had to be taken specially by our own photographers. While these results were being flashed on the screen at speed the commentators gave supplementary information about the candidates themselves and about the ' swing ' of votes in the constituency.

From the moment when we heard that the first result was coming and we went over to our outside broadcast cameras to see the announcement by the town clerk in the hall itself, the programme flowed on: viewers seeing the results declared, now in Cheltenham, now in Glasgow, now in London or Leeds; hearing the speeches of Mayors and candidates on the balconies; seeing the crowds; flashing back to the studio for individual results coming in on tape machines and translated into visual terms; over to party headquarters for comments from politicians and organisers; over to Wales to hear men talking in a public house; a continually varied programme rising to a peak between twelve midnight and two a.m., watched by millions. Over 13 million people were watching at 10.15 p.m., over 7 million people were still watching at midnight, over 3 million were still watching even after Mr. Gaitskell had conceded the election in the early hours of the morning.

At 4.0 a.m. we stopped transmission but we went on to record between 4.0 a.m. and 4.30 a.m. on video tape

(BBC Photo)

The commentators. Left to right: David Butler, Richard Dimbleby and Robert McKenzie, who announced the results and gave political analysis and background information.



The team in the studio. (BBC Photo)

a 15-minute report on the situation. We wanted to be able to transmit this at intervals from 6.30 a.m. to 8.0 a.m. for the benefit of early morning viewers who might have had to go to bed early the night before and who had the right, we thought, to a service which would bring them up to date before they went off to work.

At 8.0 a.m. we started regular transmission again, mostly with reactions from remote points to the results as they were at that time. Between 8.0 and 10.0 a.m. there were also simultaneous regional opt-outs so that different localities could give special regional programmes containing analyses of their own local results which might not be of sufficient importance to interest a national audience. At 10.0 a.m. the new morning results started and reporting, as for the night before, continued through a peak of fast results from about 12.0 noon to 2.30 p.m. and then during a period of slower results and more ' colour ' and comment until between 4.0 and 5.0 p.m.

At ten minutes past six, after the News, we presented a brief review of the situation and at 8.0 p.m. a more comprehensive review in which leaders of all three parties spoke, the Prime Minister talking straight to camera and the defeated leader being interviewed at Labour Party Headquarters.

One of the surprises in 1959 was the size of our audiences on the second day, even although it was clear to experts before midnight on polling night that the trend was clearly in favour of a Conservative victory, and even though Mr. Gaitskell had conceded the election between 1 a.m. and 2 a.m. Nevertheless between two and five million people were watching the results programme during the greater part of the second day. Some of this interest was undoubtedly due not only to the interpretative comment of the experts, and the discussions between politicians about the effect of the Conservative victory on the parties themselves and on national and international policies, but to the remarkably thoughtful contributions of men and women in the street. The public's enthusiastic viewing during all this showed that their interest went far beyond the ' horse race ' aspect of the election. We believe that we succeeded not only in reporting but in illuminating the event, and we feel that to have been able to arouse such widespread public interest in the outcome of the democratic electoral process was a national service of some importance.

It seems strange, in 1959, that television should ever have been doubtful about whether it should in fact attempt to carry the results of a general election as part of its programming. But in 1950, when we in the BBC were considering what to do about the forthcoming general election, the function of television in relation to elections still seemed in doubt. Sound broadcasting was so dominant a factor in the thoughts of organisations such as ours, in which a television section had grown up within the orbit of a long-established sound broadcasting service, that it was felt to be clear that

television should deal only with material which was obviously visual. Otherwise everything should be left to sound. The reporting of an election had hitherto been done purely verbally and consisted of the reading of results by news readers. There was a strong body of opinion, even within the television service, which felt that elections had better be left to sound. Perhaps television could add, they thought, a few pictures of crowd scenes.

The vital decision, however, was taken in 1950 to present the election results in vision. Another vital decision was that there should be people in vision holding the programme together and analysing the results as they came in. This was revolutionary. Hitherto there had been so great an anxiety about possible accusations of political bias that ' hard ' news coming from an outside agency and spoken by impersonal and unidentified announcers was all that was considered desirable or indeed possible. The third decision was that results must have priority over ' colour ' material. (We found in fact on this and later occasions that people who are interested in the drama of an election find interruption for ' colour ' an irritant and not a satisfaction.)

The principles and the methods evolved in 1950 were used again in 1951, 1955 and 1959. There were great changes in comprehensiveness and in quantitites of cameras and equipment used and in technical devices of all kinds. But not in principle. And the experience we had gained in the handling of previous elections was of the utmost value in 1959. The lessons we learnt over the years were innumerable. Among them, perhaps, I could single out the following. An operation of this kind depends upon the service itself having within it people of a vast range of experience gained in other fields: commentators, engineers, caption artists, producers, newsmen. It is built upon the excellence of an existing service. Such excellence cannot be improvised for a particular operation. We did better in 1959 than in 1955 because we had a larger number of experienced staff in all fields on whom to draw. Second, the immense importance of the central commentators who held the programme together. So much depends upon their expert skills, whether politically, statistically, or, as in the case of the central figure of Richard Dimbleby in 1959, on the sheer professional skill of handling with ease and humour for long hours an infinitely complex television machine. Thirdly, advance planning. On this occasion, because we thought there might be a spring election we had started planning in the previous November; and although the planners were all (except one secretary) busily employed on other work, the meetings, the minutes, and the experimental sessions of the previous months were invaluable. The fascination of planning for an operation of this kind is that it involves the most meticulous advance planning for the impromptu and the unexpected. Every possible variant of every situation must be pre-considered and a routine, known, written down and understood, established to deal with it. For the heart of a problem of this kind in television is that it consists of the superimposing on an already hard-worked service an enterprise which really needs an enormous special staff, specially trained and recruited, as well as vastly experienced, to run it properly. As it is out of the question that such a staff should be available, the activities of hundreds of people—all over the country, as well as in the studios themselves—have to be co-ordinated in a few last hectic days. This means that though the total operation is extremely complex the part played by every individual must of itself be essentially simple. Not until the day of the operation itself can you get all the people and resources together. Then you pray that it will work, and that when you press the button the engine will start and the wheels revolve. It is rather like making a ' jet ' plane on a ' do it yourself ' basis—putting it together and hoping, on a public trial, that it will fly.

TELEVISION AND THE BRITISH GENERAL ELECTION

WHAT WAS THE EFFECT OF TELEVISION ON THE ELECTION ?

*by JOHN BEAVAN **

" In the area of political television we are all ignorant, " declared Mr. Ed. Murrow, the American television journalist, in a recent lecture in London arranged by the British Association and Granada T. V. Network. Mr. Murrow is the most brilliant and most experienced political journalist working in television in the English-speaking world and he delivered this judgment after watching the programmes in the recent general election in Britain. I wholly agree with his opinion. It is easy to say whether a programme dealing with politics is good television; but we do not yet know enough to judge whether it is good politics.

Mr. Murrow has a feeling, which again I share, that some politicians are unduly fascinated by the mechanics of television and are too inclined to make political television into a competition between film cutters and producers rather than a competition of ideas and con-

* Mr. Beavan, a well-known broadcaster and journalist, is Assistant Director of the Nuffield Foundation, London.

victions. "There is," he said, "no substitute for the man who has at least mild fire in his belly, and is able to pierce that screen with his own conviction." This view does not appear to have been held by those responsible for the programmes in the British general election. They swathed the middles of the political leaders in asbestos sheeting to hide and suppress the fires within. For there seems to be a sophisticated belief at party headquarters that the electorate would resent the intrusion into their peaceful homes of those displays of fierce conviction it was once the fashion to make at political meetings.

These inhibitions, however, do not only apply to television politics. Passion has passed out of British politics generally, except on special occasions in the House of Commons and at the party conferences. Passion is only permissible to-day in the presence of partisan audiences. It must be hidden from the general public. For it is believed that an excess of enthusiasm repels the floating voters, and modern political strategy is designed to attract these doubtful, uncommitted middle-of-the-road citizens. The way to get their support is to woo them with soft persuasion; and the radio fireside chat and its television equivalent lend themselves only too well to this approach. The supposed qualities of the medium in fact reinforce the current mode of political campaigning.

All the influences were in fact in favour of a quiet election. There was only one major issue; which party was to rule the country for the next five years and carry out a programme of economic expansion, of giving freedom to more colonies and of trying to bring about further *détente* with Russia. All other issues, important as the politicians tried to make them, were really not very relevant.

Because of their essential similarities of outlook on the larger issues, the Labour and Conservative parties began some months before the election to be deeply concerned about the image the public had of them. The parties were aware that politicians were in some disfavour with the electorate. The reasons for this are very complex, but they are related to the fact that in order to whip up the fighting spirit of their rank and file the parties had to emphasise their minor differences and pretend that their opponents would bring the nation to disaster. The parties had learned that these bugle calls which rang so sweetly in the ears of their partisans were a horrid din to ordinary electors even when made by the party to which they were committed. What effect would they then have on the undecided voter in the marginal constituencies whose unpredictable actions would decide which party was to have power? There was a feeling at party headquarters that they were being sadly misjudged. Too many people seemed to believe that the Tories were a band of old-fashioned stuffed shirts or that the Socialists were a brotherhood of elderly trade unionists longing to bring back swingeing taxation, physical controls of the economy and rationing. In these circumstances the parties had to show the public how wrong they were; that their politicians were genial, relaxed, up-to-date, libertarian, unfanatical, practical men. The Liberals were less troubled about false images. Their worry was that the public had no image at all of modern Liberalism and their task to create one was all the harder because they had been allotted less time on the screen than the two major parties, by an arrangement in the making of which the two major parties democratically had the major voice. To him that hath shall be given.

To establish their image, all the parties used the conventional modern techniques of serious television, as

Mr. John Beavan

evolved in brains trusts, panel discussions, interviews and press conferences. The Labour Party used the most elaborate methods. Their programmes were based on magazine programmes such as *Tonight* and *Panorama*. And they were most skilfully done. The wits of Lime Grove were saying after the result had been declared that Labour won the television Oscar; the Tories had to be content with merely winning power. But would they have implied that the Labour programmes were ineffective if Labour had won? Would they not have attributed the victory in part to the glossy skill of Labour's television? Even now we do not know what the effect of television was on the mass of voters, or if it had any significant effect at all.

The only evidence we have so far of the effect of television is that given by Mr. Robert Silvey, head of the BBC Audience Research, in an article in *The Listener* of November 26. Mr. Silvey tells us that the audiences for each party's programmes were roughly similar—about eight million people—and that what determined their

size was not the popularity of the parties but the popularity of the preceding programme.

Audience Research tried to discover how the programmes were received by their audiences. " Without one single exception, " Mr. Silvey reports, " every party broadcast conformed to this pattern: a high index from supporters, a low index from opponents and an index from the uncommitted which fell between the two." The same man and the same matter appeared very differently to different people. A leader who was " patently sincere " and " quietly confident " to his supporters was " glib " and " weary and dejected " to his opponents. What was a " frank " exposition to some was " evasive " to others. A technique commended as " professional " and " easy to follow " was also condemned as " slick " and " an insult to the electors' intelligence ". " This illustrates, " says Mr. Silvey, " the extreme difficulty of arriving at any conclusion about what are the ' best ' tactics for a political broadcaster to pursue or what is the best form for a political broadcast." As Mr. Murrow says: " We are all ignorant —we need to know much more than we do. In my own country we know a great deal about what will sell goods and services. We have spent vast sums on research. And similar efforts have been made in this country. But we do not know enough, we have not been sufficiently interested to try to determine what sells ideas... My own conviction is that there is no substitute, no technique, no use of film that can replace the individual who has conviction and who can in some mysterious manner convey that conviction to the viewer."

It is because of the unpredictability of its effects that the political parties in Britain have not greeted the advent of television with joy. They did not accept the simple idea that it necessarily helps the democratic process by making the country into a vast Athenian market place. There is a fear among democrats everywhere, I think, that television may add to the already undesirably large element of irrationality in political choice. And yet, I suspect, side by side with this commendable fear lurks a desire in party professionals to use the medium as an instrument of publicity, rather than of political enlightenment, as a kind of talking poster projecting extended slogans.

There is another good reason why the parties' students of politics suspect television; it can reveal the inner life of politics with its esoteric conventions of speech and behaviour that may appear ridiculous and undignified to the uninitiated viewer. The resistance against televising Parliamentary debates is very strong and Mr. Bevan was not speaking for Labour but merely for himself when he made the suggestion in the House of Commons recently. Labour, in fact, took a lot of convincing that it would be useful to televise some of the proceedings of the party conferences. They feared, among other things, that the atmosphere of enthusiasm in which these great national rallies are held would seem peculiar and cracked to people sitting in their homes and that the extremists, with their ringing oratory and dramatic gestures, would get an undue share of the camera. These fears have not been justified because the time allotted for the reports of conferences is small and the television news units have put their sense of political responsibility before their instincts as showmen. Moreover, finding it impossible to give an intelligible account by means of excerpts from the debates—because politicians are too prolix—they frequently get speakers to put their main points succinctly and without emotion in a one or two minute interview.

The fact that the parties agreed to extend party television to 215 minutes during the recent election campaign is not an indication of their enthusiasm for television; it is merely a recognition that television plays such an important part now in the life of the nation, that the political powers are obliged to make what use of it they can. For the first time in British broadcasting history, newsreels and features both dealt with the election. Presumably this had not been done before because the broadcasting authorities had been discouraged, perhaps too easily discouraged, by doubts in high quarters.

It may seem that the figure of eight million viewers for party broadcasts is a very high one. But it must be appreciated that the British viewer was not given an alternative choice of television programme. The party political broadcasts were put out on the only two channels we yet have in Britain, at the same time. And every student of television knows that sheer inertia prevents many people from switching off when there is nothing they really want to see. Mr. Silvey estimates that the BBC's loss of audience was 11 in every hundred, and that of Independent Television 24 in every hundred. But " any broadcast which makes even modest intellectual demands upon the public is handicapped in the audience stakes ". What the losses would have been if there had been a television entertainment programme competing with the political broadcasts, a good democrat must shudder to think.

This was a most curious election. There was tremendous interest in the newspapers' public opinion polls which gave the election some of the excitements of a 14-day bike race. The Labour Party was well behind at the outset but began rapidly to catch up. But while Labour was putting on a spurt, the number of uncommitted voters was increasing. The nearer we got to polling day, the more people were uncertain which way they were going to vote. How much of this uncertainty was caused by television presenting people with a new view of their own or the opposing parties? The interest in the polls and, it seemed to me, in the television programmes was the interest of the spectator rather than of the democratic participant. Instead of feeling involved, most of the people I spoke to had the detachment of political correspondents. They did not ask what one thought of the *content* of the Prime Minister's or Mr. Gaitskell's broadcasts but what one thought of their performance and the impression it might have made on other viewers. This may have been due to the fact that

there was remarkably little to discuss about what the political leaders actually said. Why were the programmes so empty?

In no way can the broadcasting authorities be blamed. The parties are wholly responsible for devising how they shall use the screen. If they chose to put on a classical concerto or dancing girls, there is nothing, so far as I can see, to restrain them. True, they borrow professional producers employed in the television services, but their job is simply to help the parties to get the effect they are aiming at.

The emptiness I believe was due to the decision, possibly reached without thought, that as television is a mass medium an effort must be made to attract the whole of the potential audience and not just the minority who are or could be interested in deep political issues. Thus, the intellectual level of the broadcasts was pitched well below that of the average local public meeting. The party leaders, who are all exceedingly literate men, most expensively and effectively educated, felt, or were advised, that it was necessary to use syntax of kindergarten simplicity. Here is a quotation from Mr. Macmillan in his final broadcast, the high spot of the campaign:

" We've had a great struggle to keep the cost of living down. Under the Socialist government it went up 2 shillings in the £ in the last year. It went up and up, but over the last two years prices have been stable, and that's a great achievement. Of course it hasn't been done without tears. It's not easily done. We've had to do a lot of unpopular things: the credit squeeze and all that; but you know it isn't much of a government that is afraid to do what it knows to be right because of some temporary unpopularity. And at the same time we've got full employment. Two things together. Stable prices and full employment. It's a double. Let's keep it."

Mr. Gaitskell, the Labour leader, employed the same chatty mothers' meeting style, while Mr. Grimond, the Liberal leader, had flashes of four ale bar mateyness: " Let us have no more shilly-shallying about this H-bomb. The H-bomb should belong to the West as a whole. If every country has its own bombs, then we are indeed heading for disaster. Now the Tories want to keep the British bombs. The Labour party, up to a very short time ago, supported them..."

I doubt whether any experienced political correspondent could judge on style alone which of the speeches were made by the Prime Minister, Mr. Gaitskell or Mr. Grimond. All had dispensed with a very important aspect of their personality—their own personal, distinctive use of language. I cannot believe that Churchill, Lloyd George, Asquith, Gladstone, Disraeli or any of the great leaders of the past, or indeed that Dr. Adenauer, General de Gaulle or Mr. Krushchev, would have allowed the camera and microphone to dominate them as the political leaders did at this election. Nor were they themselves in their manner. They were all trying to look like pleasant, modest, unassuming ordinary people.

But their efforts to be persuasive suffered from their acquaintance with technique. They were afraid of boring their eight million viewers. So they jumped from subject to subject. In these broadcasts lasting fifteen or twenty minutes they tried to cover the whole range of domestic, foreign and colonial policy. In the final Labour television broadcast, Mr. Gaitskell was left by the devisers of the programme with only about six minutes for his straight talk to the viewers and he mentioned in that time social reform, pensions, housing, hospitals, the grammar school examination, industrial development and expansion, full employment, the mixed economy, Labour's good neighbour policy and colonies.

The result was that the viewers never once in the election campaign heard a sustained political argument about one major topic. This would not have mattered if television had been merely a reminder-propaganda, the reinforcement of the case presented elsewhere in full. But—unless people went to a meeting—they did not hear the full case. For years the political parties have believed that voters must only be given snippets in election literature. And even the serious newspapers today do not report at length speeches made on political platforms. The arguments about the hydrogen bomb, steel nationalisation, the summit conference cannot be dealt with in this jejune manner.

The problem of using television effectively is not a television problem, it is a political and educational one. I believe that the British party leaders in 1959 pitched their appeal far too low, that they failed to do justice to their own personalities, that they showed far too much humility and not enough of their capacity for leadership; and that it is not good for democracy when politicians use so much soft soap and try to look as if butter would not melt in their mouths. But that being said, there remains a problem: is it possible to interest eight million viewers simultaneously in anything on an adult level? The researches Dr. Joseph Trenaman, an experienced social psychologist, has been making over the past few years are discouraging. For three years he has been studying the educational potentialities of the mass media and has discovered that about 55 per cent of the general public are receptive to new ideas and want to know more about the world around them. But the remaining 45 per cent are resistant to education, using the word in its broader sense. Why? We do not know. But until we are able to find out why and what might be done to capture the interests of the 45 per cent of passive resisters, it seems a waste of time for politicians to stoop so low in the hope of conquering them. Mr. Trenaman has recently been appointed to the Granada Television Fellowship at Leeds University and has been trying to discover the effects of television on the electorate in an area of Yorkshire. It is only from researches such as these, which are wider than those which are appropriate to BBC Audience Research, that we shall get the facts Mr. Murrow is asking for and perhaps some knowledge about how to present ideas to an audience as wide as that which television provides.

" TELESCUOLA " ENTERS ITS SECOND YEAR

by MARIA GRAZIA PUGLISI

Director of " Telescuola " Courses, Radiotelevisione Italiana

Telescuola, the high school on television that has proved one of the RAI's happiest inspirations, began its second scholastic year on 5th November 1959.

To understand the tremendous success of the programme, which attracted an enrolment of something like 50,000 pupils in the first school year alone, we must go back to the origins of the project and the reasons that lay behind it. The idea of enlisting the mass communication possibilities of the television medium for a regular educational syllabus arose out of a plan to take secondary-type schooling even into the villages that have no schools, and at the same time to give people who had been forced to interrupt their education for family or financial reasons an opportunity of continuing their studies.

The aim, therefore, was not to provide a series of lessons as an aid to ordinary in-school tuition, but to put on the air a regular school syllabus that was complete in itself.

School attendance in Italy is compulsory until the age of 14. As elementary education begins at the age of 6, this means eight years of schooling, five of primary education and three of secondary education. The secondary education is given by two types of school, the junior high school, or *scuola media*, and the vocational school. The latter aims at giving pre-vocational training with emphasis on industry, commerce or agriculture, as the case may be, with the result that this type of school is attended mainly by boys and girls wishing to take a school certificate that will enable them to follow a trade or enter subordinate salaried employment, or else to go on to studies of a technical or industrial nature. These vocational schools are widespread throughout Italy, but many small towns where they would be extremely useful do not possess one, despite the recent inauguration of some 400 more schools of this type. In point of fact there are still many communities with less than 3,000 inhabitants that have no educational facilities above primary school level, and thus for many children it is impossible to continue at school and thereby acquire the educational background that is essential to the development of occupational skills.

It was precisely this compelling need on the one hand to prevent the rising generation of school-leavers from going to swell the ranks of the unskilled unemployed and, on the other hand, to do something to salvage those who, even in present-day Italy, have not managed to go beyond the primary level, that brought the *Telescuola* programme into being. The choice fell on the syllabus of the industrial-type vocational school as the syllabus to be followed in the television lesson.

The intention was thus to give a helping hand in the problem of how to bring compulsory education in Italy to the whole of the country, a problem to which the Government has devoted and is devoting its most active interest and on which public opinion throughout the nation is focussed. Right from the beginning consideration was given to the many difficulties bound up with the introduction of a television school system on account of its very novelty, the lack of physical contact between teaching staff and pupils, and the absence of reliable checks on attendance and progress. In any event, however, it can safely be said that the experiment, which has now blossomed out into an organised and efficient institution, has exerted a definite influence for the good, even in the first year, and has had a remarkable psychological effect on that part of the population who, deprived for various reasons of the possibility of completing their schooling, have good reason to wonder with some apprehension what the future will bring.

Mention must also be made of the salutary moral influence that *Telescuola* has had in surroundings which on account of their special nature might be regarded as being most remote and most cut off from the life of the community, e.g. the sanatoria, the reform schools and the prisons, in many of which the televised lessons have met with an enthusiastic reception and have gained a keen and active following.

The first *Telescuola* course, corresponding as stated above to the first year of the industrial-type vocational school syllabus, was broadcast during the period from 25th November 1958 to 27th June 1959 and consisted of two half-hour lessons a day with a ten-minute break devoted in turn to lessons in religion (once a week), music and choral singing (once a week), and domestic science (once a week), and also to a feature entitled *A word between ourselves* by the director of the courses, designed to keep up closer human contacts with the pupils by giving advice and information and by answering pupils' letters.

The teachers for the various subjects were chosen by agreement with the Ministry of Education's Department of Technical Education. Much thought was given to the time at which to broadcast the lessons, preference being finally given to the period 2 p.m. to 3.10 p.m., which in general answered the requirements of the majority of the " telescholars ".

With a view to enabling the pupils to continue working

on their own, the RAI's publishing house has published text-books on the various subjects written by the teachers in the course themselves. These consist of two printed brochures per subject, the first covering the lessons given during the period November to February, and the second lessons during the period February to June. The brochures, which are illustrated and contain exercises and examples, have been an effective and lively aid to learning.

One particularly useful feature in relations with the unseen class has been the correction of homework, which has made it possible to assess the progress that pupils have made by following the televised lessons. The personal and continuing relationship created by such corrections, added to the other effective element represented by the text-books, which stick closely to the lessons on television, has helped to make the function of *Telescuola* a really constructive one by intensifying to the utmost the relations between teacher and pupil.

The *Telescuola* lessons have been followed by pupils in every part of Italy, either alone or in viewing groups. The latter, each consisting of an average of 15 or 20 pupils, under the guidance of a group leader, have been organised on the initiative of all kinds of bodies and associations and also of individuals. About 1626 of them sprang up last year, and at the beginning of the second year the number has already risen to 2200. Since the majority of these groups now comprise first and second year pupils, the average size this year is between 25 and 40 pupils per group, so that what with the isolated pupils, the school population of *Telescuola* by now must be somewhere around 70,000.

Under the initials PAT (standing for " *Telescuola* listening post "), followed by a serial number, all the groups are card-indexed by the principals of *Telescuola*, who enter marks for homework and notes on correspondence on the cards for each PAT under the name of the individual pupil, and thus have a ready means of seeing at any time the work and the progress of each pupil. *Telescuola* must, of course, be regarded as a private school, and the pupils under Italian school regulations are therefore required to report to the State schools to take their examinations at the end of the school year. This has already taken place at the end of the first year's course, with the heartening result of a large number of promotions (about 70% went up between the summer and the autumn term), thus showing that it is possible to attend school to good effect, even through the medium of television.

This year *Telescuola* will be broadcasting two courses, corresponding to classes I and II of the industrial-type vocational school curriculum (for a total of 2½ hours' broadcasting a day, from 1.30 p.m. to 4.5 p.m.) and next year class III will be added (bringing the daily transmitting time up to 3½ hours). Pupils who have followed all three years will, after taking the examinations in the State schools, be able to obtain the Certificate of Vocational Preparation (Industry), a humble distinction, perhaps, but one that will enable them to improve their prospects considerably.

In addition, starting this year, a vocational guidance section has been added to the lessons on the various subjects. In this feature, entitled *Your Future*, it is proposed to give information and suggestions on the agencies and organisations concerned with the counselling, training and placement of young people, explaining the processes of vocational guidance and training, apprenticeship and placement and even quoting the more important laws on the subject of apprenticeship and employment services. By presenting organisations such as vocational guidance and training centres, employment exchanges, etc., it is also hoped to facilitate the dealings which young people and their families are required by law to have with the organisations themselves, the existence of which is, however, unknown in many sections of the community. Besides this feature it is planned to show the various occupations and new and unusual jobs for men and women, in the hope of giving a lead to the future recruits to the labour force, and also in the light of manpower requirements, the needs of the various areas and the possible opportunities for migration.

By thus adding to the school syllabus a link between school and the industrial world which should make it easier for young people to start out in life, *Telescuola* hopes to afford effective and worth-while assistance to those who follow it so keenly and to such good purpose.

Broadcasting and the International Festivals

(*EBU Review*, No. 57 B, pages 12-15)

Mr. Jack Bornoff, the author of this article, has asked us to express his regrets for having omitted to mention, in his account of the international music festivals, Britain's oldest and most important choral festival, the Three Choirs Festival, which dates from 1717.

THE " VOICE OF SWITZERLAND "

by G. H. PADEL

Vice-Director of the Swiss Shortwave Service

The international broadcasts of the Swiss Shortwave Service to other countries and continents are strictly speaking the fruits of propaganda. They made rapid strides during the disturbed period before the second world war, and since then, although the fronts have been moved, the relentless struggle between ideologies and opinions has continued on the air waves and indeed has gradually grown more bitter.

Switzerland's position as a small neutral country has not only given it the right to make itself heard but has in fact made it a duty, especially as it is not one of the great powers with a political axe to grind. It has therefore more opportunities to stress the human values that are not always taken into consideration in the big powers' struggle over ideologies. But apart from this, it was an absolute necessity from the very start that Switzerland should introduce programmes on short waves, in view of the fact that there are some 500,000 Swiss living abroad, or about 10% of the population, and Switzerland has always attached great importance to the preservation of the links that bind it to its citizens abroad.

The first experimental broadcasts on short waves transmitted in 1935 by the League of Nations transmitter at Prangins went out to Swiss living abroad in the three official languages—French, German and Italian. It soon became clear, however, that a much greater effort would have to be made in view of the vast campaign of totalitarian propaganda put out by the Axis powers. A small country in the midst of the European conflagration, Switzerland was in duty bound to defend its own way of life in the eyes of the world, its particular political outlook, and its spiritual heritage. Thus, in 1937 the Federal Council defined the mission of the Swiss Shortwave Service in the following terms which are still valid today:

> " Without becoming importunate or vain, we must show that we are not only a country of industry, commerce and tourism; but that Switzerland is also, and above all, a highly civilised, ancient and autochthonous country; and that in all ages we have made our contribution to European and world culture."

The Shortwave Service has therefore been given, within the framework of the Federal Council's concession to the SSR, the twofold task, as seventh Swiss studio, to preserve and strengthen the links binding Swiss citizens outside their own country to the homeland, and to project Switzerland abroad.

The transmitter at Prangins was inadequate to fulfil such a task, especially as its primary object was to serve the purpose of the League of Nations. So at the request of the Federal Council and the Swiss Parliament, the PTT installed a shortwave transmitter on the plateau of Schwarzenburg to the south of Berne which it was intended from the start to use both for broadcasting and wireless telegraphy. The transmitter was inaugurated in the spring of 1939, since when it has broadcast the programmes of the Swiss Shortwave Service for 24 hours a day to Europe and the other continents, in the three official languages as well as in English, Spanish, Portuguese, and twice a week in Esperanto. Since it was brought into service in 1939/40, the shortwave centre of Schwarzenburg has had constant improvements made to it and its power has been increased. The installations reserved for broadcast programmes include to date:

> 5 shortwave transmitters of 100 kW; 4 omni-directional aerials for Europe on 25-, 31-, 40-, and 49-metre bands;
>
> 1 curtain array composed of three complementary devices each covering 120° and all three capable of being used for the 11-, 13-, 16-, 19-, 25-, 31-, 40- and 49-metre bands. With this aerial it is possible to transmit a directed wave in any direction and so the " Voice of Switzerland " can be heard anywhere in the world.

At present Schwarzenburg broadcasts 78 programme hours a day to all parts of the world, which represents an annual total of about 28,000 hours, and four out of the five 100-kW transmitters are in continuous use.

The programmes of the Swiss Shortwave Service may be divided into two main groups: the " European programme " (omni-directional aerials) and the " Overseas programme " (directional aerials). Both groups in their separate ways observe one essential principle, which aims at presenting the maximum of information, commentary and actualities concisely and in an attractive setting, and highlighting the work and culture of the country.

For its European programme which is restricted to the national languages and does not have to take into account the differences in the hour, the Swiss Shortwave Service relays mainly the programmes produced by its national studios. In this sector where the programmes are broadcast by two transmitters with omni-directional aerials and one with an aerial beamed to Africa, the Shortwave Service chooses from among the national programmes those most likely to suit its audience. The choice must be based on a given criterion to allow the listener to

know approximately what programmes are to be broadcast each day and in which of the national languages. For that reason, apart from the usual relays of news programmes and actualities, the Service relies mostly on the fixed programmes of the national transmitters. Within this framework brief commentaries on topical events and press reviews are introduced, specially drafted by the Swiss Shortwave Service for listeners living beyond the frontiers of Switzerland.

The formula in use for the overseas programmes in English, Spanish and Portuguese has continued to develop over the years and has succeeded in making Schwarzenburg one of the most popular and most highly appreciated shortwave transmitters. Briefly, these programmes are composed roughly as follows. After a short, typically Swiss introduction, enabling the listener to find the station more easily, there follow a 15-20 minute programme of news and commentary dealing with politics at home or abroad, press reviews, economic surveys, and so on, in which each of the different items lasts no longer than five minutes. This is followed by a musical interlude of from 10 to 20 minutes, consisting generally of folk music, so popular abroad, or light music. This gives way to brief comments on topical subjects (interviews, reportages, women's programmes), or documentary programmes describing the life, work and characteristics of Switzerland, broadcast generally in the form of a series extending over a period of six months. Then come special programmes for the Swiss abroad in the national languages, request programmes on gramophone records, listeners' letters, special Sunday programmes (quiz, variety, etc.), and extracts from the life and music of Switzerland.

The music programmes are drawn largely from those produced by the national transmitters, but in most cases they require special presentation and a commentary intended for the listener abroad.

In the case of radio programmes, it is to some extent the frame that sells the picture! One of the essential " selling factors ", as we mentioned above, is Swiss folk music and particular attention is naturally paid to this. In addition, in the more recreational type of programme, such as listeners' correspondence, record requests and quizzes, an effort is made to incorporate a message from Switzerland into the broadcast. Here, as in news and actuality programmes, the first rule is never to allow this message to deteriorate into tiresome propaganda. This insistence upon discretion, which is in contrast to the behaviour of some shortwave stations operated by other countries with better material facilities, explains why Swiss broadcasts are appreciated.

The success of the arrangement and presentation of the programmes can be judged not only from the results of the different investigations among listeners to broadcasts on short waves by radio clubs in other countries, showing that Schwarzenburg is regularly placed among the most popular shortwave stations in the world, but also from the large number of listeners' letters sent to the Swiss Shortwave Service, totalling about 25,000 a year, of which 90% come from foreign listeners and 10% from Swiss persons living abroad.

We realise, however, that the popularity of Swiss broadcasts is not due entirely to the programmes themselves, but to the country as a whole. The " Voice of Switzerland " is listened to because other countries know that the Swiss radio provides objective information and commentary that sticks to the truth and is shorn of all tendentious political pretensions. The goodwill towards Switzerland throughout the world and even among listeners in Communist countries is most heartening. The finest endeavour of the Swiss Shortwave Service, which is under no political obligations and is bound only by civic and humanitarian considerations, is to contribute to this feeling of goodwill and to keep it alive.

CONGRATULATIONS

We have pleasure in congratulating

Sir Ian JACOB, President of the EBU, who has been made a Knight Grand Cross of the Order of the British Empire (G.B.E.).

Mr. R. J. E. SILVEY, Head of Audience Research, BBC, and

Mr. A. W. PRAGNELL, Secretary of the Independent Television Authority, who have been made Officers of the same order (O.B.E.);

Mr. Jacques-Eugène DONOT of the RTF, who has been promoted to the rank of Commander of the Legion of Honour, and

Mr. Roger DEBOUZY and Mr. Albert OLLIVIER, also of the RTF, who have been appointed Chevaliers of the Legion of Honour;

Dr. W. SPÜHLER, President of the SSR, who has been elected *Conseiller fédéral.*

EUROVISION PROGRAMME STATISTICS

Period 1 January — 30 June 1959

I. ORIGIN OF PROGRAMMES

Organisations	BBC	RTF	CLT	RMC	INR	NIR	NTS	ARD	ORF	DSR	SRT	SRG	RAI	ITA	Special prog.	Total	%
Number of programmes	10	16	7	1	4	1	3	9	21	1	2	13	14	0	2	104	—
Percentage	9.6	15.7	6.7	0.9	3.7	0.9	2.8	8.6	20.1	0.9	1.8	12.8	13.8	0	1.9		100

II. DURATION

Total hours of transmission (duration at the point of origin)																143	
Total hours of trans. by each organisation ...	43	64	23	34	76	80	38	95	70	42	77	101	74	4	2	823	

III. TYPE OF PROGRAMME

Sport	10	10	—	1	3	1	2	8	18	—	—	10	8	—	—	71	
Actualities	—	3	7	—	—	—	—	—	—	—	1	1	—	—	1	13	
Light	—	1	—	—	—	—	—	1	—	—	—	—	4	—	—	6	
Drama, music, ballet ..	—	2	—	—	1	—	1	—	3	—	—	—	1	—	—	8	
Other cultural progr. ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1	
Religious	—	—	—	—	—	—	—	—	—	—	1	1	1	—	—	3	
Folklore	—	—	—	—	—	—	—	—	—	1	—	1	—	—	—	2	
Children's programmes	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0	
Total	10	16	7	1	4	1	3	9	21	1	2	13	14	0	2	104	

IV. PARTICIPATION IN EXCHANGES

No. of transmissions .	36	57	22	27	68	72	30	63	47	31	48	69	53	4	2	629	
Percentage	35	50	21	26	65	70	29	60	45	30	46	66	51	4	2		

The abbreviations of the names of television organisations are as follows:

BBC — British Broadcasting Corporation (United Kingdom)
RTF — Radiodiffusion-Télévision Française (France)
CLT — Compagnie Luxembourgeoise de Télédiffusion — Radio-Télé-Luxembourg (Luxembourg)
RMC — Radio Monte-Carlo (Monaco)
INR — Institut National Belge de Radiodiffusion (Belgium)
NIR — Belgisch Nationaal Instituut voor Radio-Omroep (Belgium)
NTS — Nederlandse Televisie Stichting (Netherlands)
ARD — Arbeitsgemeinschaft der Öffentlich-Rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland (German Federal Republic)
ORF — Österreichische Rundfunk-GmbH (Austria)
DSR — Danmarks Radio (Denmark)
SRT — Sveriges Radio (Sweden)
SRG — Schweizerische Rundspruch-Gesellschaft (Switzerland)
RAI — Radiotelevisione Italiana (Italy)
ITA — Independent Television Authority (United Kingdom)

6 June 1954 — 30 June 1959

I. ORIGIN OF PROGRAMMES

	Period	BBC	RTF	CLT	RMC	INR	NIR	NTS	ARD	ORF	DSR	SRT	SRG	RAI	ITA	Special prog.	Total
A	6.6-31.12.1954	9	6	—	—	2	2	4	10	—	1	—	15	6	—	—	55
B	1.1-30.6. 1955	—	10	—	—	1	2	4	7	—	—	—	1	9	—	—	34
C	1.7-31.12.1955	14	7	—	—	—	3	2	10	—	—	—	6	15	—	—	57
D	1.1-30.6. 1956	16	16	1	5	5	3	5	19	1	—	—	9	63	—	—	143
E	1.7-31.12.1956	22	34	—	—	3	—	8	18	3	8	—	5	6	—	—	107
F	1.1-30.6. 1957	26	27	5	2	3	1	7	19	5	2	—	6	17	—	—	120
G	1.7-31.12.1957	15	25	—	—	11	4	7	10	3	1	—	2	8	—	1	87
H	1.1-30.6. 1958	15	16	1	—	5	4	6	8	19	—	13	5	9	—	—	101
I	1.7-31.12.1958	17	40	—	1	2	4	4	7	4	2	2	2	17	—	—	102
J	1.1-30.6. 1959	10	16	7	1	4	1	3	9	21	1	2	13	14	0	2	104
	Total	144	197	14	9	36	24	50	117	56	15	17	64	164	—	3	910

II. DURATION

Period	A	B	C	D	E	F	G	H	I	J	Total
Hours	73	44	71	156	117	136	125	135	124	143	1124

III. TYPE OF PROGRAMME

	No. of programmes	Percentage
Sport	578	63.6
Actualities	114	12.5
Light	88	9.7
Drama, music, ballet	59	6.5
Other cultural programmes	12	1.3
Religious	39	4.3
Folklore	14	1.5
Children's programmes	6	0.6
Total	910	100.0

IV. PARTICIPATION IN EXCHANGES

	Period	BBC	RTF	CLT	RMC	INR	NIR	NTS	ARD	ORF	DSR	SRT	SRG	RAI	ITA	Special prog.	Total orig.	Orig. + relays	Average part.
A	6.6-31.12.1954	45	44	—	—	45	46	45	45	—	?15	—	37	36	—	—	46[1]	358	
B	1.1-30.6. 1955	—	26	—	—	32	32	29	27	—	—	—	25	27	—	—	34	198	
C	1.7-31.12.1955	21	39	—	—	36	45	39	37	6	—	—	46	30	—	—	57	299	
D	1.1-30.6. 1956	60	89	50	5	81	97	87	81	72	6	—	91	94	—	—	143	813	
E	1.7-31.12.1956	34	64	43	1	85	75	61	39	29	19	1	40	29	—	—	107	520	
F	1.1-30.6. 1957	52	67	46	52	67	71	53	44	30	14	11	39	39	—	—	120	585	
G	1.7-31.12.1957	29	53	26	33	61	62	37	37	19	18	6	35	41	2	1	87	460	
H	1.1-30.6. 1958	50	66	43	28	66	63	49	68	57	32	24	61	59	10	—	101	676	
I	1.7-31.12.1958	39	71	43	32	61	73	46	44	21	30	28	53	52	10	—	102	603	
J	1.1-30.6. 1959	36	57	22	27	68	72	30	63	47	31	48	69	53	4	2	104	629	
	Total	366	576	273	178	602	636	476	485	281	165	118	496	460	26	3	901	5141	5.66 org.

[1] Total number of transmissions during this period: 55. No information available on participation for 9 transmissions (8.7-31.8.1954).

UNILATERALS

Originating from

	Total	BBC	RTF	NIR	INR	NTS	ARD	ORF	DSR	SRT	SRG	RAI	CLT	RMC	Total Hours
BBC	48*	—	20	—	—	1	5	—	—	—	18	—	—	4	14 h 35′
RTF	57	6	—	—	4	—	3	—	—	—	27	16	—	1	6 h 55′
NTS	3	1	2	—	—	—	—	—	—	—	—	—	—	—	1 h 07′
ARD	31	2	—	—	—	—	—	—	—	—	28	1	—	—	14 h 45′
SRT	1	—	—	—	—	—	—	—	1	—	—	—	—	—	45′
SRG	1	—	—	—	—	1	—	—	—	—	—	—	—	—	1 h 20′
RAI	7	—	1	—	—	—	—	—	—	—	6	—	—	—	53′

No unilaterals originating from: NIR, INR, ORF, DSR, CLT, RMC.

* 16 full programmes 10 h 10′
32 inserts 4 h 25′

BILATERALS

Org.	Total	From	Time	Total time	Actualities	Sports	Other	Remarks
BBC	3	RTF 2 RAI 1	3 h 05′ 40′	3 h 45′	1 1	1		No regular exchange
NTS	15	NIR 7 ARD 6 ORF 2	8 h 55′ 11 h 02′ 2 h 09′	22 h 06′		1	14	No regular exchange
ARD	2	RTF 1 SRG 1		2 h 30′	1	1		No regular exchange
CLT	8	RTF 8	52′	52′	1	7		No regular exchange
NIR	60	NTS 27 INR 5 RAI 1 BBC 1 ARD 15 RTF 4 SRG 1 CLT 6	35 h 14′ 5 h 29′ 1 h 01′ 1 h 03′ 20 h 18′ 3 h 52′ 1 h 4 h 11′	72 h 08′	1 2 2 1 6	2 2 1 1 8 2 1	24 1 5 1	Regular exchange NTS
SRT	6 Czechoslovakia 1	DSR 5	5 h 55′ 2 h 25′	8 h 20′	2	2	1	No regular exchange
DSR	4	SRT 4	5 h 06′	5 h 06′		2	2	No regular exchange
INR	257	RTF 247 CLT 6 BBC 2 RAI 1 NTS 1	251 h 40′ 3 h 37′ 1 h 15′ 1 h 49′	258 h 21′	14 6	33 2 2 2	200	Regular exchange RTF
SRG– SSR– TSI –	39	ARD 33 RTF 6	58 h 15′ 4 h	62 h 15′		5	28 6	Regular exchange RTF-SSR
ORF	51	ARD 51	75 h	75 h		4	47	Regular exchange ARD
RTF	8	INR 4 SSR 1 RAI 3	3 h 22′ 41′ 2 h 42′	6 h 45′	 3		4 1	Regular exchange INR
Total	453			517 h 08′	41	79	334	

Further, extensive and systematic exchanges take place by means of film. Many artistic and cultural programmes and filmed contributions to newsreels, the international children's newsreel, the international agricultural newsreel and sports transmissions are currently exchanged in growing numbers between EBU members and associate members.

NEWS AND INFORMATION

INTERNATIONAL

MORE ABOUT THE " CHASSEURS DE SON "

In an earlier article published in these pages [1] we described in a few lines what the *Chasseurs de Son* stood for in the world today and how with the invention of the tape recorder, or rather after it found favour with the public and its use had spread, amateur sound recorders organised themselves into local clubs and national associations, finally uniting three years ago to form an International Federation.

In other words, we considered the question at top level and now, if you have no objection, we shall get down to fundamentals and try to define briefly what the *chasseur de son* is, what are his spheres of operation, his aims, and the motives that prompt him to take up sound recording.

The first fact to stress is that the *chasseur de son* is an " amateur " in the sense that he does not practise sound recording on a professional basis, nor does he earn his living by it. This does not mean, of course, that a radio professional, for example, might not amuse himself during his spare time making amateur recordings for his own pleasure, or that an amateur might not record something so outstanding that it deserved a hearing in an official broadcast programme, a service that is occasionally offered to the professional institutions.

The definition of the word " amateur " is not to be sought in the individual, therefore, but in the work he does and the aim he pursues. Consequently, any recording made with no thought of pecuniary gain but solely for creative or research purposes and for disinterested use free of charge may be considered the work of an amateur.

What interest can the amateur have in recording, then, if not a financial one? It should be pointed out at the start that the motives are of varying sorts.

In the first place there is the simple collector who uses his tape recorder as others use their pick-up. His collection of tapes is the equivalent of a record library. The only additional advantage he derives from his instrument is the possibility of building up his own collection in the form of a personal selection of recordings of sound broadcasts, live performances, or copies of records he has borrowed. These recordings are generally for private use and in most cases take no account of the legal provisions restricting the maker's rights in this connection. This type of amateur sound recorder is fairly common but as he is not a creative artist he need not take up any more of our time.

The collector's work becomes really interesting when he begins to concentrate on original recordings. Recordings of talks, for example, of lectures and discussions that would otherwise be lost, or of ethnological documentation, may be of undeniable value. There is no disputing the fact that a useful contribution to science is being made by the ornithologist who captures and classifies the cries of birds, the ethnologist who collects linguistic records of primitive tribes that are dying out, and the musicologist who gathers for the purposes of comparison and study examples of native music depicting the peculiar characteristics of a given tribe. We can have nothing but praise for the amateur sound recorder who makes it his job to keep such a collection.

Other amateurs use the tape recorder as a working tool, and I'm not thinking here of those who use the dictaphone or the autophone, of course. I refer to the actor, the public speaker, or the orator who pitches his voice by listening to himself speak at the microphone and uses the recording as a means of self criticism. This also includes the musician, whether composer or instrumentalist.

Sometimes, instead of being an artist or an intellectual, the amateur sound recorder is a technician and it is the acoustical, mechanical or electronic problems that awaken his interest and take up his attention. His studies in this case are directed towards the potentialities of his instrument on the technical and scientific planes. How many times can a magnetic tape be used before any deterioration in the quality of the recording is noted? How many successive copies can be made before the sound shows signs of distortion? What changes can be made to sounds by slowing down or quickening the winding of the recorded tape? These are all problems requiring patient study and opening up new horizons both as regards the practical use of electronic phenomena and acoustics: sound effects, experimental music and *musique concrète*.

It is strange that correspondence by word of mouth in the form of recorded tapes has not become more popular than it is. A recording of the spoken word would often be an admirable substitute for a letter in writing. Perhaps this will come in time when everybody has a tape recorder at home just as he has a telephone or a vacuum cleaner. It is true, a certain number of recordings of the spoken word are exchanged already, although on a very small scale, due perhaps to customs difficulties or restrictions. There is in existence at the moment an international society known as the World Tape Pals (Dallas, Texas, USA), which is a member of the *Fédération Internationale*

[1] *EBU Review* No. 53 B, page 11.

des Chasseurs de Son and whose tasks are to supply correspondents to those who call in its services and to put amateur sound recorders in touch with each other the world over. As far as schools are concerned, links are also established between classes of the same level and children or young people of the same age, under the aegis of another international body which is also a member of the FICS — the *Centre International Scolaire de Correspondance Sonore* (Neuchâtel, Switzerland, and Sainte-Savine, Aube, France).

And what scope there is for the tape recorder in schools! What infinite possibilities for the learning of modern and even classical languages, for acquiring knowledge in a manner more befitting the aspirations of the youth of today than the old-fashioned educational methods so dear to the traditionalists.

But the subject is too vast, too inexhaustible. It would take us too far. I feel it would be better to stop now, on the threshold of a domain whose nature and development may be studied in another article, if the reader has no objection to going back to school.

In conclusion, let us return to our starting point where, if you remember, we were trying to find a definition for the amateur. To do this, would you forget the two accepted meanings of the term which contrast it on the one hand with " serious " and on the other with " professional ", and would you think of the word in its etymological sense as a derivation of the Latin *amare*?

The amateur sound recorder is a lover, that is to say a practitioner of sound recording for the pleasure of it and for the love of research, be it scientific, technical or intellectual, with the sole idea of deserting the beaten path to make new discoveries and do something creative.

Jean Borel
Secretary-General of the FICS

UNESCO

Training Course for Arab Radio Producers. — During the first two months of 1960, a training course will be held in Khartoum for senior radio producers from Arabic-speaking countries. It is being organised by Unesco under the programme of participation in member states' activities and the technical assistance programme. The Sudanese authorities are cooperating with Unesco, which expects the course to be attended by more than twenty producers from about ten countries.

INTERNATIONAL FILM AND TELEVISION COUNCIL

International Conference on the Technique of Producing Television Films for Children. — The first international conference on this subject was called in London in October 1959 by the International Centre of Films for Children, under the aegis of the International Film and Television Council and with the cooperation of Associated Television Ltd. and ABC Television Ltd. It was attended by delegates from more than 30 organisations. Representatives of 11 international organisations covering countries all over the world were present as well as Unesco; and bodies in Norway, Belgium, France, India, Italy, the United States, Great Britain and Canada were represented.

Summing up, Mr. John Maddison and Miss Mary Field, the respective presidents of the International Film and Television Council and of the International Centre of Films for Children, stressed the importance of this Conference in contributing towards the development and raising of standards of children's television. They emphasised that there had been a most interesting exchange of views on the technicalities of production including scripting, photography, editing, design and casting as well as the specialised medium of cartoons and puppets.

The Conference called upon the International Film and Television Council to consider without delay the promotion, with the cooperation of Unesco and the International Centre of Films for Children, of suitable projects for the international cooperative production of children's films for television between groups of countries.

INTERNATIONAL CONFERENCES CONCERNED WITH BROADCASTING

29 March	EBU	1960 Eurovision Song Contest	London
29-31 March		Bureau of the Legal Committee, 23rd Meeting	Monte Carlo
23-25 April		Working Party GTV/1	Amsterdam
26-27 April		Working Party GTV/2	Amsterdam
29-30 April		Bureau of the Programme Committee, 15th Meeting	Amsterdam
13-18 May		1960 Eurovision Grand Prix of Television Films	Cannes
27-30 May		Administrative Council, 22nd Meeting	Vienna
1-15 October	Prix Italia	Assembly and Meeting of the Juries	—
End October	EBU	Administrative Council, 23rd Meeting	Geneva
25-28 November		General Assembly, 11th Ordinary Session and 5th Extraordinary Session	Madrid

NATIONAL

AUSTRALIA

Government Plans for the Extension of Television. — The third stage in the development of Australian television has recently been debated at length in Parliament. In his speech the Postmaster-General said that national and commercial stations in Sydney and Melbourne were well established (first stage) and similar services would be in operation in the remaining four capital cities (Brisbane, Adelaide, Perth and Hobart) by the middle of 1960 (second stage) [1].

The third stage now proposed by the government is the granting of commercial licences in 13 country towns and rural areas. Five of these areas are in New South Wales, four in Victoria, three in Queensland and one in Tasmania. Forty-three applications for licences in the 13 districts have been received and hearings are being held in Melbourne by the Australian Broadcasting Control Board (ABCB). It seems likely that the hearings will take six months and that another two or three months will pass before the Board's report is ready for presentation to the Cabinet, probably in July or August 1960.

Throughout the parliamentary debates the main concern of the Opposition was to ensure that every effort should be made to prevent new commercial television stations in the thirteen areas from being tied financially or otherwise to existing commercial television stations in the capital cities. The government insisted that such links could not in fact be effected as the terms of the Broadcasting and Television Act specifically limited the field of control of commercial television stations. It further pointed out that the investigations of the ABCB prior to the allocation of licences would provide a safeguard against networks being established.

The government has decided to maintain its policy of providing dual national and commercial services to viewers.

The extensions planned will mean that 75% of the Australian people will be able to receive a television service.

BELGIUM

New Director of Flemish Television. — As successor to Mr. Bert Leysen, fatally injured in a car accident last September, Dr. Paul Vandenbussche becomes television director of the Belgisch Nationaal Instituut voor Radio-Omroep with effect from 1st January 1960.

Dr. Vandenbussche is a doctor of laws and until December 1959 was the permanent delegate of the Minister for Communications and Cultural Affairs at the NIR/INR. He teaches at the Institute of Journalists and lectures on social and political sciences at the University of Leuven.

CANADA

Resignation of CBC Vice-President. — Mr. Ernest Bushnell has resigned from the office of vice-president of the CBC after 26 years with the Corporation. He is opening his own office in Ottawa as a management consultant specialising in broadcasting.

DENMARK

Radio Denmark's Annual Report for 1958-59. — Income for the year ended 31.3.59 amounted to 31,908,990 kr. and expenditure totalled 31,021,895 kr. The accounts thus show a profit of 887,095 kr. compared with the deficit of 256,880 kr. in 1957-58.

Sound broadcasting totalled 6818 programme hours, and television programmes were broadcast for 799 hours of which 286 were filmed programmes, 142 live reportages, 108 programmes for children and 133 Eurovision relays.

At the end of the year the staff numbered 660, of whom 66 were engaged on television work in the technical department and 71 on television programmes.

FRANCE

Illicit Viewing. — The RTF has instituted a special service to track down illicit viewers. It consists of a body of hand-picked inspectors who have at their disposal a variety of technical instruments effective both in the case of outside and inside aerials.

Once discovered, the illicit viewer is requested to regularise his position immediately and in the event of refusal to pay, action is taken by the bailiffs. Offences are punishable (both in the case of privately-owned sets and sets installed in public establishments) by a fine equal to five times the licence fee due, or 37,500 francs (7,500× 5) for a private individual and 150,000 francs (30,000× 5) for the owner of a public establishment.

GERMANY (Federal Republic)

Professor Bischoff Remains Chairman of the ARD. — Professor Friedrich Bischoff, Intendant of the Südwestfunk, will retain the chairmanship of the Arbeitsgemeinschaft of West German broadcasting organisations until July 1960, following a unanimous decision of the ARD taken in late November.

[1] See *EBU Review*, No. 50 B, page 16.

New Appointments at the WDR. — With effect from 1st April 1960 Dr. Fritz Brühl becomes director of sound broadcasting, and with effect from 1st July, the deputy Intendant and programme director of the Hessischer Rundfunk, Dr. Hans-Joachim Lange, becomes director of television of the WDR.

Two new divisions have been created, one for radio and television drama under Mr. Wilhelm Semmelroth and the other for light entertainment (radio and television) under Mr. Peter Kottmann.

Two Noteworthy Television Productions. — NWRV-Cologne last autumn produced two television programmes which attracted special interest. First, in October, came the challenge of televising Strindberg's " Dream Play ", which met with the applause of the critics not only for the sensitivity of the production but also for the choice of this difficult play for the television programme.

A challenge of a different kind was presented by the televising in November of Robert Schumann's oratorio *Das Paradies und die Peri*, based on Thomas Moore's *Lalla Rookh*. A " screen score " was specially written to give a visual conception to this purely acoustical work.

ITALY

Tour of the RAI Naples Orchestra.— The *A. Scarlatti Orchestra* of the RAI from Naples has just completed a tour in the course of which it covered some tens of thousands of kilometres in Greece and the Near and Middle East.

Under its conductors Franco Caracciolo and Luigi Colonna, the orchestra performed works by Cherubini, Cimarosa, Scarlatti, Vivaldi, Haydn and Mozart as well as the modern composers Pizzetti and Ghedini.

The orchestra started its tour in Athens, and moved on from there to Tel Aviv, Jerusalem and Haifa. Its reception in Israel was triumphant and both the Press and the public were loud in their praise of the masterly performance, the remarkable brilliance and the subtlety of interpretation of the different works. It should be stressed that this was the first foreign orchestra to perform in Israel since the war.

After Palestine, the tour was continued in Istanbul and Ankara where a concert was given in the presence of the President of the Republic of Turkey and a number of members of the Government.

From Turkey the orchestra made its way to Teheran in Iran where the reception accorded to it was just as warm and cordial as in Turkey, Israel and Greece. After giving two concerts in the Auditorium of the Arts Faculty of Teheran University, the orchestra was privileged to pay special tribute to His Imperial Majesty, the Shahinshah of Iran, Mohammad Reza Shah Pahlavi, in the Court Throne Room on the occasion of His Imperial Majesty's 40th birthday. This concert which marked the end of the tour scored a particular success due to the presence of the Emperor in the sumptuous setting of the Imperial Court. The Emperor made a point of expressing his pleasure and complimenting personally the conductor of the orchestra and the administrators of the RAI.

Throughout the whole tour the orchestra was accompanied by the Director of RAI Sound Programmes, Mr. Razzi, the Director of the Naples studios, Mr. Angelini, and other officials of the RAI.

M. Pardi

SAUDI ARABIA

Television Broadcasts. — The television network of Saudi Arabia, one of the first in the Middle East, belongs to the American oil company, ARAMCO. Intended primarily for the company's staff, of whom there are some 17,000 members including 1600 Americans, it has now become very popular in the country itself, inside the area in which it operates (60 kilometres).

The television company exercises very strict censorship of its own programmes in order not to offend local traditions. It cuts out drinking, card playing and dancing from the films it shows. At first, in 1957, programmes lasted for two hours a day and now they total from 15 to 23 hours a week. All programmes are in Arabic with translations in English, and about 40% are educational.

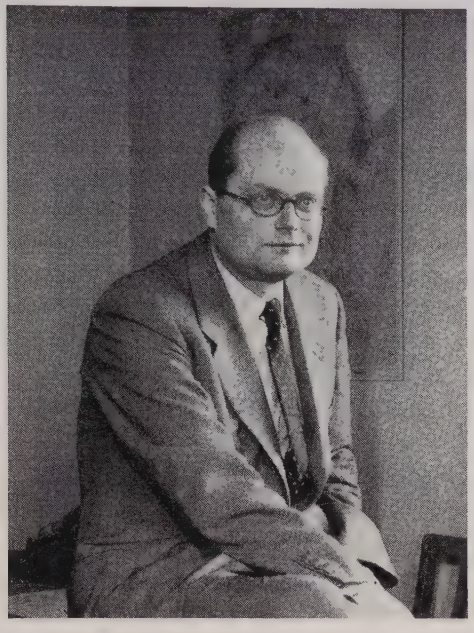
UNITED KINGDOM

BBC Annual Report and Accounts 1958-59. — In its report for the year ending 31st March 1959, the BBC reaffirms its belief in the need for a planned alternative television service, in the interests of the viewing public, and its desire to provide such a service as soon as circumstances allow. During the year under review, the BBC broadcast some 3,000 hours of television programmes and within the confines of a single service its aim was to divide its output almost equally between programmes with a general appeal which attract large audiences and programmes " which provoke thought, widen people's horizons and enhance their artistic appreciation."

At the end of the period under review, the School Broadcasting Council for the United Kingdom was preparing a report on the two-year television experiment. The report has since been published and its recommendations accepted. Plans are being made to start an extended service in the autumn of 1960. School broadcasting in sound, 35 years old this year, continued to provide a service of more than 50 broadcasts a week during term. A total of 26,689 schools (about 71% of all schools in the country) was registered as listening to these broadcasts in the 1958-59 school year.

The total hours of broadcasting in the External Services increased slightly, amounting to 82 hours a day in 40 languages including English. News bulletins numbering 140 daily in 35 languages and in English continued to

enjoy large audiences. Rebroadcasts from the General Overseas Services are taken every day by stations in 28 countries and by 8 British Forces broadcasting stations. Rebroadcasting of special programmes in the North American service was 11% higher in 1958 than in 1957 with a total of 7000 programme hours. Some 60,000



(BBC photo)

Mr. Hugh Carleton Greene, O.B.E.,

who succeeded Sir Ian Jacob as Director-General of the BBC on 1st January 1960.
His appointment was announced in EBU Review No. 57B, page 21.

records comprising over 700 separate programmes we e supplied to radio stations in many countries and more than 150 films and 500 telerecordings were distributed overseas.

The total of paid broadcast receiving licences at 31st March 1959 was 14,678,629, showing an increase of 93,666 on the previous year.

Net income from licences available to the BBC in 1958-59 was £27,323,115 [1]. Revenue from other sources including sales of the *Radio Times* brought the total income up to £28,614,697, of which £12,718,657 was allocated to sound and £15,896,040 to television. Total expenditure on Sound Services amounted to £12,369,374, leaving a surplus for the year of £349,283. Expenditure on the Television Service was £17,027,549, resulting in a deficit of £1,131,509. The BBC therefore had to draw on its reserves to the extent of £782,226.

[1] The BBC received about £2.10.0d out of each £4 (£3 licence fee and £1 excise duty) paid for a combined television and sound licence.

ITA Annual Report and Accounts for 1958-59. — By the end of 1959, according to the fourth annual report of the Independent Television Authority, ITA transmitters would cover some 95% of the total population. Already in March 1959, at the end of the year under review, ten companies had been appointed to operate from the Authority's stations and the total number of homes able to view Independent Television programmes was 7¼ million, representing a potential audience of 25 million people.

The proportion of 15 hours of serious programmes in a total weekly output of about 60 hours continued to be maintained. With the exception of the schools programmes, which were shown in the afternoons, most of these serious items were presented between 6 p.m. and 7 p.m. or between 10 p.m. and 11 p.m. Although the amount of viewing is remarkably steady throughout the whole period between 6 and 11, the Authority wishes serious programmes to be spread as evenly as possible and welcomed the introduction during the year of regular monthly hour-long documentaries in the middle of the evening.

In the field of full-length plays there was an increasing use of British writers. Of 39 plays receiving their first performance and written specially for television 35 were by British writers. Imported films occupied 12.3% of total transmission time over the whole network compared with 13% in the previous year.

Income from all sources during the year increased by £611,144 to £2,917,038. This increase is attributable partly to the opening of the stations serving Southern and North-East England and partly to an increase in the rentals payable by the four contractors who were first appointed, as provided for in their contracts. Operating expenses and the charge for depreciation also increased as more stations came into operation, but after meeting all revenue expenditure and providing for taxation, the surplus for the year, at £968,350, was £126,530 greater than in the previous year.

BOOK REVIEWS

Funk, ein neues Weltreich, by O. H. Leiling. Munich, Paul List Verlag, 1959. (331 pages.)

Dr. Leiling is well known to many of our readers as the Legal Adviser of Bayerischer Rundfunk and representative of the ARD in Bonn, but his book is no dry legal treatise for the specialist. It is quite definitely a book for the general reader where even the occasional references to legal issues are obviously intended for the layman. It is for all that the work of an expert writing with authority and from long and intimate experience of his subject.

This is a study from the inside, painted on a broad canvas against the wide background of world broadcasting. The centre of the picture, as one would expect, is the radio and television scene in Western Germany, which is described in considerable detail and compared with that of other countries.

The general reader is given an opportunity to acquire a much wider understanding of the whole complicated business of broadcasting in the world today. In the course of his "conducted tour" he meets the people who work in and for broadcasting and learns something of their problems, for the human element is well to the fore in Dr. Leiling's book and he is obviously interested in the people whose jobs he describes and has a way of getting inside their skins, which makes for lively reading.

A short chapter is devoted to the EBU and contains the author's personal appreciation of the work and aims of this international body with which he is closely associated. Descriptions of the BBC, the United States networks, and broadcasting in the USSR, as well as constant comparisons with other leading services in Europe, give added point to the detailed account of the workings of the German organisations. General chapters take the reader inside the broadcasting house, show him how programmes are produced, state the case for the freelancers, explain the position with regard to performers' rights and fees, make a study of audiences, discuss the question of politics in broadcasting, describe programme exchanges, and attempt to define freedom in broadcasting. The financing of the German organisations is gone into, figures are given and some comparisons made with conditions obtaining in other countries. The relationship of the State to broadcasting in Germany, past and present, is also described, and a final chapter takes us beyond the frontiers in the company of the Voice of America, the External Services of the BCC, Radio Vatican and the Deutsche Welle, with a final glimpse of the future when television broadcasts will be able to cross the frontiers as easily as the programmes of sound radio.

Television: Techniques for Planning and Performance, by Samuel L. Becker and H. Clay Harshbarger. New York, Henry Holt and Company, 1958. (182 pages, price $3.00.)

Samuel Becker, director of the Division of Television, Radio, Film at the State University of Iowa, and H. Clay Harshbarger, chairman of the University's Department of Speech and Dramatic Art, have written an excellent text book for student performers on television. They have concentrated on the actual use of the medium by the broadcaster, and the aim is to help the beginner to understand the speaking process in television and to transmit his message with greater clarity.

An introductory chapter on speaking in television is followed by a detailed description of the members of the television team and their respective duties. This leads to a carefully graded selection of practical projects or assignments to be carried out by the student. These projects are skilfully arranged with the idea of gradually building up a knowledge of the medium so that by the time the exercises have been worked out the student should have acquired the basic techniques for planning and taking part in performances on television. Starting with a short speech on any topic, the tasks become progressively more complicated and end with suggestions for tackling newscasts, entertainment, educational and documentary or controversy programmes, and broadcasts for children.

As the authors point out in their introduction, the student may never be called upon to perform all of these projects and those who read and study this handbook may never become professional performers, but the experience gained in the use and understanding of the medium should help to develop faculties that will make for critical viewers and encourage the establishment of standards of judgment.

Good speech, pronunciation and voice production are given the prominence they deserve, the use of the script is discussed and advice given on whether to memorise, read or extemporise when speaking on television. Movement, the use of the body and facial expression are analysed, and some useful hints given on the subject of costume and make-up. Final chapters are devoted to sound, lighting, the television lens, and the audience.

In short, this is a work that will be read to advantage by any who are likely to appear on television, apart from the serious student to whom it is primarily addressed. Lists for suggested reading at the end of each chapter offer possibilities for specialised study.

LEGAL SECTION

SOME ASPECTS OF FREEDOM OF INFORMATION [1]

by ALBERT NAMUROIS

Legal Adviser of the Institut National Belge de Radiodiffusion

SYNOPSIS

	Section
Basis of the right to information, a particular and specific aspect of freedom of thought, and need for media (freedom of the Press)	1-2
Sources of the right to information	
Constitutional and other provisions	
On the principle of freedom	3
On individual media	4
International Conventions	
Universal Declaration of Human Rights and Convention for the Protection of Human Rights and Fundamental Freedoms	5-6
Berne Convention for the Protection of Literary and Artistic Works — Article 10 *bis* and its application in national law	7
Subject of the present study: Freedom of access to the Event	8
Mission of the information media	
Nature (public service) and limits	9
Legal possibilities, having regard to—	10
copyright	11
the right of property in the event	12
the principle of inviolability of domicile	13
the right of the individual to his likeness	14
Present difficulties and outline of solution	15-17

1. Nowadays people are wont to refer to freedom of information as if this were some new-fangled notion, whereas in fact it is a facet of one of the oldest freedoms proceeding from natural law, the freedom to express one's opinions.

The origin of this freedom must be sought in the principle of individual freedom, which may be defined as the right to be unmolested and unconstrained by the powers that be or by one's fellow men in the very private domain of the human conscience. Clearly enough, the exercise of this right cannot be allowed to create a breach of the peace or to encroach upon the rights of others.

Individual freedom has a bearing on every form of human activity, and as it is part of the essential nature of man as much as the conscience is, the majority of those who framed our Constitutions have confined themselves to recognising the existence of this natural right in its various forms, prominent among which is the free expression of opinion.

The fact is that an essential component of individual freedom is freedom of thought, which in law does not consist merely in the act of thinking—for no coercive measures have yet been devised to prevent a man from espousing the opinions which appear most plausible to him—but also in the expression of his ideas and opinions, whatever they may be, without let or hindrance, and the communication of those ideas and opinions by word of mouth or otherwise. To believe in one's heart that a given proposition is true is to believe it true for all, whence the desire to impart it to one's fellows; for the man of conviction the possession of the truth and the wish to hand it on are inseparable. Freedom of thought therefore implies the faculty of expressing one's opinions, and freedom of information is only one specific and particular aspect of freedom of opinion.

But like the other concomitants of individual freedom, this freedom of speech would have been incomplete and illusory if man had not had freely available the means by which he could convey his opinions and win support for them. This corollary of the right of free speech is the right to employ the various media of communication to air opinions in public; more specifically it is the freedom of the Press which every law-abiding State has granted to its citizens.

In a State with a representative form of government where the repositories of power derive their authority

[1] For much of the material used in this study I am indebted to the documentation of the Administrative Office of the EBU and to that of the United Nations.

In this connection it should be mentioned that the Third Commission of the United Nations General Assembly now has under consideration a proposed Convention on Freedom of Information.

from the nation, the Press is a means whereby the country can keep in touch with what the Government is doing, and whereby the Government can keep its finger on the pulse of public opinion.

More than this, the Press will act as a powerful regulating influence through the spotlight it throws on the acts of public authorities, and will thus be a safeguard for the other liberties of the subject (Damoiseaux: *Les Institutions nationales de la Belgique*). Nevertheless the Press cannot play its role as effectively as it might if it is hedged about with preventive measures such as censorship or the posting of caution money.

2. While the general movement towards political independence that asserted itself particularly from the late 18th century onwards could count among its achievements the granting of freedom of speech, it must not be forgotten that the seed had been sown long before. Aristotle had recognised the existence of the will and free agency, which was termed by the Scholastics *libertas a necessitate*, the power of the will to decide for itself without being under the constraint of any outward or even inward force, and hence the foundation and the *raison d'être* of civil and political freedoms. The postulate of freedom of opinion was taught by Saint Augustine and St. Thomas Aquinas; it was taken up again by Locke who held that man had the natural right to safeguard and develop his freedom.

3. One of the first provisions recognising the right of free speech is to be found in the Declaration of the Rights of Man and of the Citizen of 1789: " The unrestricted communication of opinions being one of the most precious rights of man, every citizen may speak, write, and publish freely, provided he be responsible for the abuse of this liberty in the cases determined by law."

With the passage of time the majority of States have recognised the right of free speech in their Constitutions, along with other freedoms. Certain Constitutions achieve this end by a general statement of rights; in many cases certain freedoms are " guaranteed ", as in the Belgian Constitution of 7 February 1831 (article 14), the Iraqi Constitution of 21 March 1925 (article 12), the Lebanese Constitution of 23 May 1926 (article 13), the Jordanian Constitution of December 1951 (article 15) and others; elsewhere the freedoms may be declared " inviolable ", as they are in the Mexican Constitution of 5 February 1917 (article 7), the Constitution of the State of Arkansas (USA) of 1874 (article II), or the Constitution of the State of Maryland (USA) of 1867 (article 40); or again it may be provided that certain categories of persons may adopt a certain course of conduct, or that they have the right to do so. Other States have defined certain liberties by way of prohibition of any interference with the free exercise thereof, examples of this being the Constitution of the Argentine Nation of 11 March 1949 (article 23), the Constitution of the Philippines of 1935 (article III), the First Amendment (1791) to the United States Constitution, the Constitution of Denmark of 1953 (article 77), the Belgian Constitution of 1831 (article 18), the Constitution of El Salvador of 7 September 1950 (article 158) and the Brazilian Constitution of 18 September 1946 (article 141), while other Constitutions contain a prohibition on restrictions abridging these freedoms, this being the case, *inter alia*, of the Belgian Constitution (article 14), the Danish Constitution (article 77), the Netherlands Constitution (article 7), the Syrian Constitution (articles 14 and 15) and the Jordanian Constitution (article 15).

In countries of the British Commonwealth—the United Kingdom, Australia, Canada, New Zealand and the Union of South Africa—the right to freedom of expression and other freedoms are not laid down in constitutional instruments. In these countries the right to freedom of expression and opinion is legally defined largely by reference to limitations placed on its exercise.

4. It has been said above that the right to freedom of expression will not be genuine and complete unless a man is free to avail himself of the means by which he can propagate his opinions. One cannot but notice, however, that constitutions generally make reference only to the Press in the strict sense, i.e. to the dissemination of ideas and news through the written word, and ignore modern media of communication and broadcasting in particular (" The broadcasting service may include transmissions of sounds, or transmissions by television, facsimile or other means "—Buenos Aires Convention). There are, however, some clauses which guarantee freedom of expression by any means whatsoever. Article 29 of the Constitution of Uruguay of 26 October 1951 provides: " The expression of opinion on any subject by word of mouth, private writing, publication in the Press, or by any other method of dissemination is entirely free..."; article 10 of the Political Constitution of Chile of 18 September 1925 guarantees to inhabitants " freedom to express their opinions without previous censorship, by word or in writing, through the medium of the Press or in any other form...", while the Political Constitution of Ecuador of 31 December 1946 guarantees " freedom of expression of thought, and of speech, through the Press or other means of utterance or diffusion...".

The reader will find other examples below of provisions in which the proclamation of the right to freedom of opinion and expression is attended by certain provisos. Article 6 of the Constitution of Bolivia of 23 November 1945, as amended on 20 September and 26 November 1947, provides *inter alia* that " Every person has the following fundamental rights... To express freely his ideas and opinions by any means of diffusion "; article 59 of the Constitution of Honduras of 28 March 1936 asserts the right of every person freely to " express his opinions orally or in writing by means of the Press or by any other procedure "; article 22 of the Constitution of Libya of 7 October 1951 states: " Freedom of thought shall be guaranteed. Everyone shall have the right to express his opinion and to publish it by all means and methods"; and the Panamanian Constitution of 1 March 1946 declares in article 38 that " Every person may freely express his thoughts, by word, in writing, or in any other medium, without subjection to previous censorship ". Further instances are to be found in article 63 of the Peruvian Constitution of 9 April 1953, which provides: " Everyone has the right freely to express his ideas and his opinions by means of printing or by any other method of diffusion ", and in paragraph 1 of article 14 of the Constitution of Syria, according to which " The State shall guarantee freedom of opinion, and all Syrians shall be entitled to express their views

freely in writing, speeches, graphically or by any other means of expression ".

Article 30 of the Constitution of Eritrea adopted on 10 July 1952 provides that: " Everyone resident in Eritrea shall have the right to express his opinion through any medium whatever (press, speech, etc.), and to learn the opinions expressed by others ". Article 21 of the Constitution of the Italian Republic of 27 December 1947 provides in part that: "All men have the right to express their personal views freely in word, in writing or by any other means of communication ".

Article 33 of the Constitutional Law of the Republic of Cuba of 4 April 1952 provides that: " Every person shall be free, without previous censorship, to express his thoughts in speech or in writing or by any other graphic or oral mode of expression, and may use for that purpose any available means of dissemination ". Article 19 of the Constitution of Haiti of 25 November 1950 states, *inter alia*, that: " Every person has the right to express his opinions on any subject and by any means within his power ".

Some Constitutions have made specific reference to radio and/or films. Paragraph 6 of article 40 of the Constitution of Ireland of 29 December 1937 includes the following provisions:

" 6. (1) The State guarantees liberty for the exercise of the following rights, subject to public order and morality:

I. The rights of the citizens to express freely their convictions and opinions.

The education of public opinion being, however, a matter of such grave import to the common good, the State shall endeavour to ensure that organs of public opinion, such as the radio, the press, the cinema, while preserving their rightful liberty of expression, including criticism of Government policy, shall not be used to undermine public order or morality or the authority of the State.

The publication or utterance of blasphemous, seditious, or indecent matter is an offence which shall be punishable in accordance with law."

The Basic Law for the Federal Republic of Germany of 23 May 1949 provides in paragraph 1 of its article 5 that:

" Everyone has the right freely to express and to disseminate his opinion through speech, writing and pictures and, without hindrance, to instruct himself from generally accessible sources. Freedom of the Press and freedom of radio and motion pictures reporting are guaranteed. There is no censorship."

The special category into which films, radio and television are sometimes placed is reflected in the Constitution of the Czechoslovak Republic of 9 May 1948, section 22 of the Detailed Provisions of which reads as follows:

" 22. (1) The right to produce, distribute, publicly exhibit, as well as to import and export motion pictures shall be reserved to the State.

(2) Broadcasting and television shall be the exclusive right of the State.

(3) The exercise of these rights shall be regulated by Acts, which shall also lay down exceptions."

Section 14 of the Constitution of Greece of 22 December 1951 contains, among other things, the following stipulation:

" The provisions for the protection of the Press contained in this Article do not apply to the cinema, to public spectacles, to gramophones, to broadcasting or to other means of transmission of speech or of performance."

To sum up, many Constitutions have only guaranteed the exercise of the right to freedom of expression through the medium of the printed Press, while a few others have countenanced its exercise by any means, or at least by means of radio and motion pictures, and yet others have excluded the two last-mentioned media from any guarantee. Moreover, a number of States have passed special legislation establishing *ad hoc* provisions applying to broadcasting and motion pictures, which are not in keeping with the concept of freedom. This state of affairs as it affects broadcasting commands general acceptance on account of the limitations imposed by the circumstances: the spectrum cannot be split up indefinitely and the number of frequencies allotted to each country is limited. For all that, the broadcasting organisations authorised by law should be in a position to accept, and should in fact accept, suitable contributions from individuals and associations, whatever their nature.

5. It has been established above that there is generally some guarantee or recognition in a State's domestic law of the individual's right to freedom of expression and his possibility of exercising it through the medium of the Press, but that in most cases access to the other media such as broadcasting or motion pictures is denied him unless he complies with various prior requirements.

Consideration must now be given to what international law has to say on this subject. There are two Conventions which contain peremptory provisions in this behalf, namely the Universal Declaration of Human Rights approved by the United Nations General Assembly on 10 December 1948 and the Convention for the Protection of Human Rights and Fundamental Freedoms prepared under the auspices of the Council of Europe, signed at Rome on 4 November 1950 and since ratified by all the signatory countries (Belgium, Denmark, France, Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Sweden, Turkey and the United Kingdom).

The former instrument declares in article 19 that:

" Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Article 10 (1) of the second instrument states that:

" Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises."

In these two texts which do not differ as to substance one finds two concepts which throw light on the constitutional arrangements in the several States. The first is that freedom of expression does not consist in the right to express, utter or convey *ideas* alone, but also that of imparting *information*, and it also comprises the right to seek and receive information. The second point

of interest in these provisions is that they contemplate the exercise of the right to freedom of expression by any means whatsoever, though it should be noted that the Convention of the Council of Europe makes it a matter for national legislation to require the licensing of broadcasting or cinema enterprises. It must be admitted that as regards the majority of countries this is merely a confirmation of the position that already prevails.

The Convention for the Protection of Human Rights is accompanied by a Protocol, article 1 of which guarantees private property and does not permit any derogation from this principle except in the public interest and subject to the conditions provided for by law. Thus, whenever there is a clash between the right of freedom of expression and private property—a theme to which reference will be made later—the problem is as thorny as ever, unless resolved by express provisions of national law.

6. It was said above that the United Nations Convention and the Council of Europe Convention enshrine the right to seek and receive information as well as to impart it. This enumeration, in the view of the present writer, is redundant, since everyone will concede that the possessor of a right to impart information has an implied right to seek and receive it. This, indeed, may be held to be a principle of natural law which will apply so long as the rights of others are not encroached upon.

At the beginning of his *Metaphysics* Aristotle asserts that every man is naturally athirst for knowledge. Indeed, curiosity is an irresistible inclination which admittedly may fasten upon all sorts of subjects, but which, in one way or another, affects us all. This inclination is not the product of habit or education; it is innate and has its roots in human nature itself. Habits may be formed and broken; education may vary according to the time and the place; but intellectual curiosity is a universal and invariable trait which manifests itself in the child even before he has had time to acquire habits or receive an education. It has its *fons et origo* in the intelligence of man.

It can therefore be taken that the freedom to seek and receive information, as much as the right to convey it, is firmly founded in natural law and may represent a valuable argument for such media of expression as broadcasting, in demanding access to places where an event is taking place, for instance. But while it is no new idea, it would have been all the better if it had been spelled out in some provision of law.

7. In the field of copyright, which may be involved when freedom of expression is exercised, the Berne Convention contains a more affirmative provision in its article 10 *bis* than that in article 10 of the Council of Europe Convention, although it too only refers the problem to the national legislation. Under article 10 *bis* of the Berne Convention—

> " it shall be a matter for legislation in Countries of the Union to determine the conditions under which recording, reproduction, and public communication of short extracts from literary and artistic works may be made for the purpose of reporting current events by means of photography, cinematography or by radio-diffusion."

This article has already brought forth sundry provisions of domestic law such as section 33 *bis* of the Swiss Federal Copyright Act, section 6 (3) of the United Kingdom Copyright Act and section 21 *bis* of the Belgian statute on copyright.

In Germany there is a special enactment on filmed newsreels which is still considered to be in force and which permits the motion-picture reproduction of copyright literary and artistic works for the purpose of reporting the events of the day.

The various Bills now in process of preparation in countries of the Berne Union suggest that this exception to the exclusive rights of the author will soon enjoy more general recognition, so that from this point of view at least the right to information will no longer be impaired.

8. After this attempt to determine the foundations and discover the sources of the right to freedom of expression, of which the right to information is one aspect, it is logical to consider whether the media of information, particularly broadcasting and the cinema, are in a position to fulfil the mission assigned to them by virtue of the existing law, as set forth above.

This inquiry will be confined to the question of access to the event, and will not dwell on other aspects of information such as the circulation of news.

9. At the outset it may be well to determine the nature of this mission, in order to be able to assess the cogency of the claims advanced by the information media.

It will be common ground that the cinema and, to an even greater extent, the broadcasting services perform a service to the community in general, which is why governments often regard them as public services. This is true in any event of the broadcasting services constituted as public services through the devices of concession, licensing and government recognition and approval (e.g. the British Broadcasting Corporation and the Société Suisse de Radiodiffusion), through establishment as an endowed trust in the nature of a public service (*fondation sous forme d'établissement public*—the case of the Institut National Belge de Radiodiffusion) or as a State-owned enterprise, or by their organisation as agencies under direct government control.

Broadcasting performs a service to the community at large not only when it purveys instruction or entertainment but also when it gives the news. By inventing ever more efficient methods of transmitting information, modern technology has created a daily need for news which is permeating into every stratum of the population. News has become a social necessity, and one which must be catered for by the media of information.

It must be borne in mind that information is not the only rôle of broadcasting and the cinema, but it is only in the pursuit of this activity that they would appear to be able to invoke the right to information. It is self-evident that this right will not serve them when their intention is to amuse or educate their audiences.

It remains for us to determine the subject-matter of the information mission assigned to the broadcasting services.

It is contended by some that the word " information " in itself suggests that what is meant is spectacles on which the public has a legitimate claim to be informed; that this will seldom be the case with concerts or stage shows; but that national ceremonies, traditional pageantry, sporting events or other news events will as a rule fal

into the class of affairs that are " fair game " for public curiosity, and hence proper subjects for " information ".

In the writer's view this is a somewhat arbitrary distinction. It has been shown above that every man is by nature a seeker after knowledge, and that his innate curiosity springs from his natural intelligence and constitutes an irresistible urge that may fasten on the oddest things. And that is why it is suggested that the right to information cannot be limited in scope to only a few of the world's doings.

But because the role of presenting the news differs from that of purveying education or entertainment, and because the right to information can be asserted in respect of the first-mentioned activity only, these facts will of themselves impose a limitation of sorts, which has to do with the length at which an event can be reported on the strength of this right. While in the printed Press any report, however lengthy, will still qualify as news, this will hardly be the case with films and with sound and visual broadcasting. One has to draw the line between the " newsreel ", on the one hand, and the documentary—or even the showing of the event in full—on the other. Televising or filming the whole (or all that matters) of a sporting event cannot be called information, a concept that will only warrant a very brief and " potted " version giving just the highlights of the event.

10. Having thus defined the nature and the limits of the information function of broadcasting and the cinema, it now remains to be seen whether these media are given the proper statutory powers to carry out this function. After all, it is not enough for national Constitutions or international Conventions to recognise or guarantee the right to information; the proper steps must be taken to see that the exercise of this right by the information media does not clash with other rights—copyright, the right of property in entertainments, the right of property in enclosed premises, and the individual's right in his own likeness (the *jus imaginis*).

11. In the field of copyright, it has been seen above that the Berne Convention affords a partial solution to the problem by permitting national legislation to provide that recording, reproduction or public communication of short extracts from works may be made without a licence from the author for the purpose of reporting current events by means of photography, cinematography or by radio-diffusion. As already stated, a number of national copyright statutes have availed themselves of this power, but it must be pointed out that it is somewhat awkward of application to television and motion pictures, where it is difficult not to reproduce and show works of figurative art in their entirety if the author's " *droit moral* " is to be respected. For this reason, some Acts already countenance the reproduction of works of this nature in their entirety, and one can only hope that the next Berne Convention revision conference will have this question on its agenda.

12. Turning now to the possible clash that may arise between the right to information and the right of property in the event, it is interesting to quote parts of the decree handed down on 15th November 1955 by the Praetor of Rome (*EBU Bulletin*, No. 40, p. 815) and upheld by the Milan Civil Court (*EBU Review*, No. 48 B, p. 30). The judge took the view that the promoter of a sporting event cannot be regarded as the " proprietor of the event ". The event is undoubtedly a public spectacle. There is, however, a fundamental difference between a sporting spectacle and a theatrical or motion picture spectacle: the latter provide the spectator, who from the business angle may be said to be the consumer, with a form of merchandise which although not material may nevertheless be seen as something protected by law, namely the work performed in the theatre or shown in the cinema. This work is the fruit of the spirit and the creative intelligence of man, which is more than can be said of a sporting event which, even if it is the product of the human intellect, is at best a glorified trial of strength and skills of various kinds. Moreover, " shows " in the proper sense of the word are susceptible of repetition, whereas sporting events are not, and are consumed in time and space as " irreproducible " events.

And it is because of this very " irreproducibility ", together with the distances and the travelling involved, that the bulk of the public, although legitimately interested in the event and desirous of watching it, is necessarily and irrevocably prevented from being there. But this public must not be kept from participating, if only indirectly, on account of the interest aroused by sporting events which, as social phenomena, must be regarded as belonging to history and, as spectacles, as belonging to the public as a whole. It cannot therefore be right by any standards to refuse admission to information media such as television, sound broadcasting and the cinema newsreel firms. These are, in brief, the grounds adduced by the Italian judge [1].

In this connection attention may be drawn to a passage from the judgment delivered by the Berlin *Kammergericht* in 1952:

" The mission of the Press is to inform the public on all the events and happenings that are of interest to it. In conformity with this public mission, section 5 of the Bonn Basic Law, read in conjunction with articles 1 and 87 of the Berlin Constitution, guarantees the freedom of the Press and freedom of information. Like the Press, the cinema newsreels have the task of apprising the public of all the important happenings in politics and the arts. The information they provide is only complementary to that of the Press, and consequently they too must be given freedom of information. This view is borne out by the Act of 30th April 1936 to facilitate newsreel reporting. Under this Act newsreel firms are allowed to show and perform works in copyright for the purposes of reporting current events; thus even copyright has to yield in the interests of unrestricted information through the medium of the cinema. When the defendants, in the intention of catering to the public's interest in the boxing match in question, took a sequence of some 30 to 50 metres of film with a tele-lens from an adjoining ground, they did nothing contrary to public policy and established usages, in view of the principle of freedom of information."

The Italian judge expressly denies the organiser any proprietary rights in his sporting event; the German courts do so by implication, in recognising films taken

[1] A more recent judgment, reported below in this issue of the *Review*, indicates a development in Italian judicial practice that is unfavourable to the right to information. This, in the writer's view, makes it all the more urgent to give effect to the conclusions in this article.

from adjoining ground to be lawful. It can be safely said, however, that in no case will the sporting event in itself be deemed to be a work in which copyright subsists.

In support of this statement mention may be made of a fairly recent Canadian judgment (Exchequer Court of Canada, 21st May 1954) and also the position adopted by the Copyright Committee in the United Kingdom which during the deliberations that preceded the new Act flatly rejected the claim by sports interests for a copyright. There is also the opinion of the Italian judge in the case reported above that a theatrical or cinematographic work is the fruit of the spirit and the creative intelligence of man, whereas a sporting event, though a product of the human intellect, is at best a glorified trial of strength and skills of various kinds. It is certain that those legal systems in which the creation of a work of the mind is the basis for copyright protection will fall in with the opinion of the Italian judge.

When reading these court decisions, one should not lose sight of the fact that the Basic Law of the Federal Republic of Germany guarantees freedom of reporting by means of broadcasting and cinematography, while the Italian Constitution guarantees freedom of expression, and hence grants the right to information not only via the spoken and the written word, but also via any other medium of communication.

The fact must therefore be faced that as regards the organisers of concerts and other similar shows the problem is no nearer solution, and that even in the case of sporting events there is some doubt as to the line that the courts would take in countries other than Germany or Italy, even assuming that the judicial decisions reported above are upheld.

13. In the exercise of the right to information, the most serious clash that is likely to arise is the clash with the right of ownership in enclosed premises, and hence with the principle of inviolability of domicile. In the absence of legislation to the contrary, it would seem that the owner of private enclosed premises in which an event is being held can refuse admission to the employees of the information media and their gear.

This raises the question of what is meant by " enclosed premises ". It is submitted that a restrictive interpretation is called for in this connection, and it is not enough, for instance, that the circuit on which the event is taking place should be closed off for reasons of safety or public order for it to constitute " enclosed premises ", enjoying inviolability of domicile; domicile cannot be such a haphazard and short-lived thing as a stretch of the public highway closed to traffic for a short period of time. The writer thus adopts the contentions of the Praetor of Rome in the case reported above.

It may be noted that in Italy the Copyright Act of 22nd April 1941 empowers the broadcasting corporation to make outside broadcasts (within certain limits) from theatres, concert halls and other public places, the owners, impresarios and others concerned in the show being required to admit the technical installations needed for such relays.

14. A few words must be said of the right of the individual to his likeness, the *jus imaginis*. While recognising this personal right in principle, it is important where the right to information is concerned to set limits to it so as to prevent vexatious claims that may involve costly lawsuits.

The Italian Copyright Act may again be cited in this connection. Section 97 of that Act states, *inter alia*, that the consent of the person portrayed is not necessary when reproduction of the picture is warranted by fame, public office or for scientific, educational or cultural reasons, or again when reproduction is connected with happenings, events or ceremonies of public interest or taking place in public. Similar provisions are contained in section 62 of the German Academy's draft Bill.

In the case quoted above the German Court held that as sporting events are part of the news in which the public may properly take an interest, the boxers had to be regarded as " figures of contemporary history " within the meaning of the Act, and could therefore not claim a right to their own likeness, particularly as they had consented to the defendants' making and distributing throughout the world a film of the fight.

Reference may also be made to a judgment of the Vienna Civil Court of 28th October 1957 (*EBU Review*, No. 50 B, p. 26). In the case in point, a public event (a car crash), at which the plaintiff, of his own free will, had been an onlooker, had been the subject of a visual *reportage*. The Court took the view that freedom of information as it has developed in recent years, whether in relation to the Press, the cinema, sound radio or television, authorises such visual representations provided they do not interfere with the individual's private life. No one present at an accident that happens in public can object to his picture appearing in the course of a news item concerning the accident and thus becoming visible to viewers.

15. One can only conclude that although the information media may in principle avail themselves of the right to freedom of information, there are many obstacles that hinder their access to information, and there are only a few scattered provisions of positive law in this field.

There can be no doubt that it is primarily a matter for national legislative bodies to recognise that the information media perform a mission that is in the public interest, and to alleviate the greatest difficulties, which mainly proceed from the right of property.

Where literary or artistic works are concerned, the countries of the Berne Union can fall back on a provision in the Convention that enables the requirements of the news services to be met to some extent; this provision is Article 10 *bis*, to which reference has already been made, and which was added at the Brussels Conference with a view to enhancing freedom of information. It has been seen that several countries have already legislated on this basis and have even gone beyond the limits it lays down.

In the case of sporting events, which involve the right of property in enclosed premises and possibly in certain countries the right of property in events, the problem is a difficult one to solve.

Some domestic legislation on the subject already exists in draft form. One such draft contemplates two different cases; the first is where the event takes place on the public highway, in a public place or a private enclosed space that is open to the public free of charge,

and the second is where the event is held in enclosed premises open to the public on payment of an admission charge. In the first case the promoters and others cannot restrain the live or deferred televising or sound broadcasting of the event, nor the making of reports by the newspapers or the newsreels; moreover, they cannot demand a fee for the presence of employees of the news concerns or the installation of their equipment. The same provisions apply also in the second case, except that only excerpts may be given in broadcasts and in newsreels, and that these reports must be deferred.

A second draft Bill would give sound and visual broadcasting services the right to record and broadcast, for the sole purposes of radio news bulletins and television newsreels, current events taking place in public places or in places open to the public, the owners, impresarios and all persons taking part in the spectacle being required to permit the exercise of this right.

16. It is somewhat surprising to note that in the field of copyright the international legislator has been prepared to sacrifice to some extent the author's interests for the sake of news, whereas he has shown himself to be much more solicitous of the interests of organisers of sporting events.

The fact is that although the Convention for the Protection of Human Rights and Fundamental Freedoms establishes the freedom to seek and receive information, Article 1 of the Protocol to this Convention stipulates that no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. In other words, the effect of this Convention is that national legislative bodies can only limit the property rights of promotors of sporting events by resorting to expropriation on the grounds of the public interest. This procedure presupposes lengthy hearings and the payment of compensation beforehand.

The procedure is reasonable enough in the event of the sporting event being broadcast or televised in its entirety: for instance, a Spanish decree of 4th June 1959 authorises the television service in certain circumstances to televise contests of an international nature and such national contests as are, in its opinion, of widespread interest, but in conformity with the legislation on compulsory expropriation, the television service must make good the damage and loss occasioned by the broadcast, such loss to be assessed in each case at a flat rate, proportionate to the total value of unsold tickets (*EBU Review*, No. 57 B, September 1959).

But this is not the case in the matter under review, for as has been said above the right to information should normally operate only for an outline report of the event, whether the report be in print or on film.

Under these conditions the restrictions placed on the right to information by the Convention for the Protection of Human Rights are rather difficult to swallow.

17. After examining the majority of the existing legal provisions on the subject both in national Constitutions and statutes and in international Conventions, one is forced to the conclusion that these provisions are inadequate to enable the information media in general and broadcasting in particular to fulfil the social role assigned to them.

While they can invoke the principle of the right to information, it must be admitted that most of the time they lack statutory powers, especially the possibility of gaining free access to the event. The right of property and the principle of inviolability of domicile—rights which figure in national Constitutions on an equal footing with that of freedom of information—are the main potential stumbling blocks to the latter, in the absence of legislation to the contrary. Until such time as special legislation grants priority to the right to information when it conflicts with these other rights, it is submitted that the right to information is doomed to remain inoperative, at any rate whenever the event takes place in private enclosed premises.

To this end the law should, in the writer's opinion, forbid the organisers of sporting or other events to obstruct the recording, reproduction and communication to the public of extracts from such events to illustrate reports on current affairs.

The authors have to put up with a rule of this kind in respect of their intellectual works, and it is hard to see why the promoters of events should not have to accept it likewise.

At a time when the media for the communication of knowledge and ideas are increasingly unconfined by national frontiers, at a time when international organisations are seeking ways of facilitating international exchanges, it is highly desirable that there should be an international—or at least a European—instrument on the subject if the right to information is really to be accorded and to be effective. The real danger is that in the absence of an international standard to give a lead to national parliaments, the latter will either do nothing or will legislate along different lines, which will not make international exchanges any easier.

NEWS AND INFORMATION

COUNCIL OF EUROPE

Preparation of a European Agreement for the Protection of Television Broadcasts. — The Committee of Legal Experts set up by the Committee of Ministers of the Council of Europe to consider exchanges of television programmes between European countries and remove the obstacles to such exchanges as far as possible held a further meeting in Strasbourg from 14th to 16th December 1959. The Committee, under the chairmanship of Professor Bodenhausen (Netherlands), assisted by the Vice-Chairmen, H. E. Mr. Pasquera (Italy) and Mr. Hesser (Sweden), put the finishing touches to a draft European Agreement for the Protection of Television Broadcasts which the Secretariat will send, together with a general report prepared by M. Lenoble (France), to the Members of the Council of Europe with a view to its implementation at an early date.

The Agreement in question is designed to remove those obstacles to television exchange broadcasts that proceed from the absence of international protection for television broadcasts and the increasingly widespread use made of such broadcasts without the leave of the originating or relaying organisations. Subject to certain provisos, the Agreement affords television broadcasts protection against re-broadcasting, wire diffusion, performance in public and fixation in any form whatsoever, whether these uses are contemporaneous with the broadcast or are effected with the aid of a previous recording. The term of protection is at least ten years, without prejudice to any more favourable national treatment combined with the principle of comparison of terms. Provision is made to prevent the importation of fixations of broadcasts from a non-contracting country to a contracting country where protection subsists in such broadcasts, as well as to put a stop to the circulation of any photographs of broadcasts that may be taken, without the consent of the organisation in which the right vests, under the licence which a contracting State is allowed to institute on its own territory. The protection covers television broadcasts in respect of the sound component as well as the visual component, but it is understood that the sound component is not eligible for protection if broadcast by itself, separately from the visual component.

The Agreement drafted at Strasbourg is conformable to the identical recommendations adopted by the Permanent Committee of the Berne Union and the Unesco Intergovernmental Copyright Committee at their sessions in Munich last October, a reference to which is made in a later article. It is stated that the Agreement is concluded for a period of ten years from the date of its entry into force, with extension for a further period of ten years if, during the initial period of validity, the Universal Convention on Ancillary Rights is not concluded and ratified by at least a majority of the Members of the Council of Europe that are parties to the Agreement. In addition, the Agreement will lapse if, during either ten-year period of validity, the Universal Convention on Ancillary Rights comes into force for at least a majority of the Members of the Council of Europe which are parties to the Agreement.

The fact that so little time remains before important international programmes are due to be televised by the European television stations makes the implementation of the Agreement an urgent matter. It is to be hoped that signatures not subject to ratification, ratifications and accessions will not be long in coming in.

ILO — UNESCO — BERNE UNION

International Protection of Ancillary Rights. — The last item on this subject in the *Review* (No. 51 B, p. 27) dates back to the time when people were still thinking in terms of two international Conventions, one prepared by the Berne Union and Unesco to govern absolute rights and rights to remuneration, and the other prepared by the ILO to deal primarily with the relations between the performers and their employers, the gramophone industry and the broadcasting interests. Since that time events have moved far and fast; the two drafts have been discarded and a much more sensible idea has won acceptance, namely a single Convention to be prepared under the joint auspices of the three intergovernmental organisations concerned.

The first move in this direction was made by the Governing Body of the International Labour Office, which in March 1959 withheld its endorsement for the idea of two Conventions and instead instructed the Director-General of the ILO to hold further consultations with Unesco and the Berne Union with a view to the conclusion of a single international instrument. At a later stage the Unesco Executive Council fell in with the proposals to this effect made to it by the Director-General of the ILO, and last October the Permanent Committee of the Berne Union in turn gave its approval to the revised procedure.

Following these similar decisions, which incidentally were confirmed at the recent session of the ILO Governing Body, the preparatory work on the future Ancillary Rights Convention has now reached the following point.

Early in May 1960 a Committee of Experts to be convened by the three intergovernmental organisations concerned will meet in the Netherlands with the task of drawing up the draft of a single international instrument, together with a report reflecting the opinions expressed in the Committee, this documentation being intended for a Diplomatic Conference which may meet any time from 1961 onwards. The composition of the Committee of Experts has been worked out in painstaking detail. Sixteen States have each been invited to submit to the three intergovernmental organisations the names of four experts conversant with the problems of ancillary rights, and from these lists the three intergovernmental organisations will select two names per country. The 32 experts thus chosen will act in their individual capacity

in the Committee of Experts and will not commit their respective governments. They will have the right to vote. Sitting with them and having the full right to participate in the discussions but not the voting will be the representatives of several international and intergovernmental organisations and delegates from 13 non-governmental international organisations including the EBU. The Committee is to make every effort to arrive at unanimous conclusions. Any dissenting opinions will, however, be recorded in the report for submission to the Diplomatic Conference, and these may, where appropriate, take the form of variant readings to the draft Convention adopted by the majority.

When these new arrangements were discussed in the Permanent Committee of the Berne Union and the Intergovernmental Copyright Committee of Unesco at their annual session last October in Munich, under the chairmanship of Prof. Eugen Ulmer, there was some discussion as to whether the protection of television broadcasts which the Council of Europe now has in hand would thwart the efforts being made in the field of ancillary rights. The two Committees thereupon adopted a resolution voicing their concern to achieve co-ordination between the work of the intergovernmental organisations in the field in question and expressing the hope that the contemplated European Agreement would be limited in scope, duration and territorial jurisdiction, and that it would be operative only until such time as an instrument designed for universal ratification came into force.

To return to the Convention on ancillary rights, there are good grounds for the belief that on the new basis that has now been fixed it is not so very far distant, and it may be in a sufficiently realistic form to warrant ratification by those countries where the need for protection is increasingly being felt.

GERMANY (EASTERN ZONE)

Draft Copyright Bill. — Almost simultaneously with the publication, as a basis for discussion, of a new draft Bill on copyright and the societies administering copyright [1] by the Ministry of Justice in the Federal Republic of Germany, the Ministry of Culture of the Government set up in the Eastern zone of Germany has come out with a new draft Copyright Bill of its own. This document is likewise intended as a basis for public discussion, and it is probably only after that discussion has taken place that a further, more definitive Bill will be written. It is nevertheless interesting to run through the Bill rapidly, if only to mention the provisions which have a bearing in one way or another on the interests of the broadcasting industry.

Already in Section 2, among the works listed in a non-restrictive manner as being amenable to protection, one finds " radio and television plays " given as separate types of works, on a par with cinematographic works. With regard to cinematographic works, however, section 10 lays down that the film maker " is deemed to be the author ", without prejudice to any copyrights subsisting in the works used in making the film. It will be noticed that the Bill revives the fiction of a copyright in the person of the film maker, a fiction which the new West German text has abandoned, although it appeared in the *Referentenentwurf* of 1954.

The draft Bill does not afford the broadcasting organisations any special facilities—not even instituting ephemeral recordings—apart from a statutory licence that appears in section 33. Under this section, the people's *(volkseigene)* broadcasting and television services and film studios are allowed to broadcast or screen works, in full or in part, without paying a fee and without obtaining the author's consent if such works are used for information purposes in the context of reports on current events. In addition to this, it is permitted to broadcast or televise, without the author's permission, any work that has already been " made public ", provided that remuneration is paid and the author's name is announced.

Sections 65 and 66 deal with the broadcasting and television contract, which is defined as a contract by which the author of an unpublished work undertakes to deliver it to the organisation within the appointed time and in a suitable form for broadcasting. In return the organisation undertakes to pay the author the agreed fee. There is no obligation to broadcast unless this has been expressly stipulated. Under the contract the organisation obtains the right to broadcast the work in the agreed form and for the number of times stated. Any assignment of exclusive broadcasting rights must be expressly stipulated for. The contract conveys the right to record the work for broadcasting purposes and to use the fixation thus made for repeat broadcasts.

One whole Part of the draft Bill is given over to the protection of ancillary rights, an expression that embraces the rights of performers, record manufacturers, broadcasting organisations, photographers and the makers of maps, plans, sketches, graphical reproductions and other figurative representations. Later chapters of the same Part are designed to protect titles, the *jus imaginis*, private letters and private diaries, but the following remarks will be confined to the protection of performers, record manufacturers and broadcasting stations.

Under section 76, the interpretation or rendering of a performer appearing as a soloist in a public performance or recital may not be used without his consent for a recording, if such recording is intended for the manufacture of copies capable of being sold at retail, performed in public or broadcast, or for broadcasting or the making of a film. The expression " soloist " for the purposes of this provision includes a conductor, a solo vocalist or instrumentalist, an actor, a producer, a reciter, a solo dancer and a variety artiste. In the case of an ensemble such as an orchestra, a choir or a theatrical troupe, the same rule applies, it being understood that the authorisation of the manager of the formation is sufficient. A soloist may also restrain any use of this work that is liable to injure his artistic reputation.

The products of phonographic factories cannot be used without the firm's consent for the purposes of broadcasting, making a film or reproducing records.

Broadcast programmes may not be used, without the organisation's consent, by other broadcasting organisations for sound recordings intended for commercial use or public performance, or for the making of a film. No

[1] Cf. *EBU Review*, No. 58 B, p. 37.

provision has been made, however, for protection against the public showing of televised images, just as the record manufacturers, for their part, have no rights in public performance by means of phonograms.

Should the holders of ancillary rights withhold their consent, it is a matter for the Ministry of Culture to give such authorisation if the public interest so requires, without prejudice to the holders' right to remuneration. Moreover, the ancillary rights of the holders do not extend to private uses, and section 33, which institutes a statutory licence for the broadcasting organisations, is declared to apply to ancillary rights. The effect of the last-mentioned provision (section 87) is that neither the performer nor the record manufacturer is able to restrain broadcasting of his productions once the latter have been " made public ". The meaning to be attached to these words is any communication to the public with the consent of the right-holder, namely performance, stage performance, projection, broadcasting, exhibition and printed publication.

As regards relations with foreign countries, the draft Bill provides that it will apply within the framework of the international treaties or, in the absence of a treaty, on the basis of reciprocity of treatment.

ITALY

Filming of Sporting Events. — Readers will be familiar with the decisions of the Praetor of Rome of 15th November 1955 [1] and of the Milan Tribunal of 23rd December 1957 [2], in which the Italian Courts held that a sporting event, unlike a literary or artistic work, could not be the subject of exclusive appropriation, having regard above all to Article 21 of the Italian Constitution. The same opinion was upheld in these columns by Professor Amedeo Giannini in his article in the last issue of the *Review*. However, Italian justice on this point is still in a state of flux, and at the moment the wind seems to be blowing from another quarter, to judge by the decision handed down on 28th March 1959 by the Rome Bench, which came to a diametrically opposite conclusion. This judgment is of particular interest to the broadcasting and television organisations, as it relates to an event that was broadcast over the Eurovision network and among the defendants was the Italian National Olympic Committee (CONI) which is organising the summer Olympic Games this year in Rome.

The facts of the case were simple enough. The plaintiff, under a contract dated 21st January 1955, had secured from the Mayor and the director of Olympic services of the village of Cortina d'Ampezzo the right to make one or more documentary films of the 1956 Olympics which, it will be remembered, were held on the territory of this commune. The only obligation placed upon the plaintiff was to supply two copies of each of the documentaries to the commune free of charge. It so happened that under a contract dated 26th November 1955 the principal defendant, a Rome motion picture firm, had obtained from the CONI the exclusive right to film the winter Olympic Games. The plaintiff then cited the motion picture firm in an application for a declaratory judgment that he was alone in a position to produce documentaries of the winter Olympics, on pain of damages. The plaintiff subsequently vouched the commune of Cortina d'Ampezzo to warrant, and the motion picture firm did the same with the CONI. Leave to make both these vouchers was given by the Rome Tribunal.

After dismissing a plea against the jurisdiction of the Court, the Tribunal examined the pleadings by the plaintiff on the merits and set out in particular to answer two questions, whether the contract between the plaintiff and the commune was valid *in se*, and then whether the CONI was in a position to grant to another the exclusive right to film a sporting event that it had organised.

After finding that the contract of 21st January 1955 was an administrative instrument that required higher approval than that of the communal authorities to validate it, which approval was not to hand in this instance, the Tribunal concluded that the document entered into in January 1955 was not valid. Nevertheless, the Tribunal had to inquire whether, independently of the validity or otherwise of the contract, the plaintiff could put in issue the exclusive rights granted by the CONI to the defendant firm, since such exclusive rights might run counter to Article 21 of the Italian Constitution, which states that every citizen has the right to express his thought either by word of mouth or in writing or by any other medium of expression. Clearly if this was the case the exclusive contract between the CONI and the film maker would remain inoperative against third parties. The Tribunal did not endorse this view.

In its view, the organisation of a sporting event called for financial outlay, initiative and personal risk on the part of the promoter, and hence was of the nature of an undertaking to cater to the needs of others. The expression " undertaking ", in the broadest sense, did not merely cover the production of consumer goods but also the provision of services for business ends. Now, this element of business, although secondary, is nevertheless important in the case of a sporting event, because the holding of such an event is intimately bound up with the physical facilities—stadium, ground, equipment—and in the case in point this was all the more true as the event was an international one. The promoter runs great risks in respect both of the competitors and of the spectators, and it is accordingly for him and no one else to determine where the public will be allowed to watch, to fix the price of admission, to control admittance of pressmen, photographers and film operators and concurrently to derive whatever business advantage he can from the event, either by turning it to account by admitting the public or by licensing indirect uses that are outside and subsequent to the event. There is, of course, no analogy between a sporting event and a work of the intellect, and the promoter of the event does not enjoy the rights which the law confers on the maker of a film. Nonetheless, in the absence of any specific law on the subject, the promoter of a sporting event belongs to the category of service undertakings and it rests with him to assume all the obligations and all the rights attaching to such an undertaking. It follows that the right to exploit

[1] See *EBU Bulletin*, No. 40, p. 815.

[2] See *EBU Review*, No. 48 B, p. 30.

the event in the motion picture field is likewise his. Since the CONI organised the 1956 winter Olympic Games with its own facilities and resources, it alone was the proprietor of the commercial rights in this event. The commune of Cortina d'Ampezzo had no rights in the event and was therefore not empowered to make all or part of them over to the plaintiff.

As to the ambit of Article 21 of the Constitution, the Tribunal construed it as granting every citizen the " right of reporting " *(diritto di cronaca)*, or in other words the right to describe the event orally or in writing. This right does not, however, include that of reproducing the event by means of cinematography, especially if the film is made with a view to profit. Whereas oral or written reporting does not place any particular burden on the promoter of the event, motion picture recording involves a considerable amount of technical equipment, the posting of cameramen at strategic spots and so on, thereby taking up some of the space available to the promoter. A paying spectator certainly has the right to describe the event by word of mouth or in writing, but he cannot take into the sports ground the equipment needed to shoot a motion picture unless he has the promoter's permission. If matters were otherwise, the situation would amount to an unjust conversion of the capital and energy expended by the *entrepreneur* organising the event. The Tribunal was therefore compelled to conclude that the contract entered into in November 1955 between the CONI and the defendant was a valid one, including the exclusive concession therein, and that it was enforceable as against third parties.

The Tribunal added that it is patent that a film maker cannot be prevented from taking sequences from outside the enclosure set apart for the event and, in general, from places where the organiser cannot exert any control.

It is not known whether this judgment has been appealed from.

Use of a Film in Commercial Television Programmes Without the Actor's Consent. Judgment of the Rome Tribunal. — The plaintiff in this case had assisted in his capacity as an actor in making several documentary films, all of an educational character, to illustrate technical advances in the spheres of navigation, aviation and motoring. Later on, sequences from these documentaries were used by the film maker in an advertising " short " that was broadcast by the RAI in its daily commercial television magazine entitled *Carosello*. The plaintiff brought an action for damages against the film maker for permitting such use, asserting that the commercial use of the sequences in question was wrongful and injurious to his honour and reputation as an actor.

Giving judgment on 16th June 1959 the Rome Tribunal examined the claim from two different angles, that of the wrong and that of the injury to the plaintiff's reputation.

On the first point the Tribunal, relying on section 96 of the Copyright Act concerning protection of a person's likeness, and on the standing practice of the Supreme Court, took the view that the defendant company had clearly committed a wrongful act. A film actor who contributes his talent to the making of a film agrees in so doing to the publication and distribution of his own likeness within the bounds of the business exploitation of the cinematographic work and the side uses for that purpose (e.g. reproduction and distribution of publicity photographs, etc.). On the other hand, the actor's consent does not, unless expressly stated, extend to other forms of publication, exhibition and trade in which his likeness may figure, such as the reproduction of stills in a series to reconstitute the action of the film in digest form or the use of scenes to advertise an industrial product. In the case under review the sequences had been spliced into a sketch designed to boost the sales of a certain make of motor oil. The Tribunal therefore gave judgment for the plaintiff on the first head of claim and found that the abuse of rights committed by the defendant entitled the plaintiff to damages.

The Tribunal similarly allowed the claim on the second issue concerning the injury to the plaintiff's artistic reputation. The Tribunal based its decision on section 81 of the Copyright Act, which entitles the performer to restrain any distribution, transmission or reproduction of his performance that detracts from his honour or his reputation. Before making its award, however, the Tribunal had to inquire whether the plaintiff could claim protection under section 81 of the Copyright Act, in view of the fact that section 82 of the same Act, dealing with the individual performer, reserves such protection only to those who play an important part in the work either as the protagonist or as the person playing opposite him. In the documentaries in question it could be argued that the plaintiff had not held either of these roles. However, the Tribunal observed that the rule in section 82 was only applicable if the work lent itself to a distinction between several categories of actors. In the present case the work was such that it had been acted by a group of players of which the plaintiff was one, and who had collaborated on a footing of equality without any one person taking the lead or the immediate supporting role. Under such circumstances the Tribunal felt obliged to give them all the protection provided for by law. After viewing the commercial complained of, the Tribunal found that the uses made of the sequences in which the plaintiff appeared put them in a ridiculous and funny light which was not compatible with respect for the artistic integrity of the actors in the original documentaries. This being so, the plaintiff was entitled to redress on the second head of claim as well. Such redress could only take the form of damages in cash, in view of the fact that an injunction or a cease-and-desist order was pointless once the harm had been done.

NEW ZEALAND

Report of the Copyright Committee, 1959. — New Zealand has followed the lead of Canada [1] in setting in motion a revision of its Copyright Act, which is virtually the same as the former British Act of 1911. On 29th May 1959 a Committee under the chairmanship of Mr. D. J. Dalglish presented a bulky report containing detailed recommendations for a revision of the existing legislation to the Minister of Justice. In so doing, the

[1] See *EBU Bulletin*, No. 31, p. 278.

Committee took as its basis the new Copyright Act passed in the United Kingdom in 1956 rather than the former United Kingdom enactment which was placed on the New Zealand Statute Book in 1913. The recommendations of Mr. Dalglish and his colleagues should therefore be read and construed mainly in the light of the more recent Act.

As the Canadian Royal Commission on copyright (the Ilsley Commission) had done earlier, the New Zealand Committee suggests that the Government should not ratify the Brussels revision of the Berne Convention, and that it should continue to be bound by the Rome revision. Its main objections to the 1948 text are the new wording of Article 7, introducing *jure conventionis* copyright protection for 50 years after the death of the author, and the new drafting of Article 11, which gives authors the exclusive right of public performance. Thus New Zealand (after Canada) is the second country to take the view that the latest revision of the Berne Convention has overstepped the bounds in protecting the author, and that ratification would hence clash too greatly with the situation at home. The Stockholm Diplomatic Conference will doubtless have to take this opinion into account, so as not to discourage other countries from wanting to ratify the successive versions of the Convention and so as not to restrict the operation of the Convention to a handful of countries with a particularly highly developed legislative system.

On the other hand, the New Zealand Committee recommends ratification of the Universal Copyright Convention, since no very extensive amendments to New Zealand law would be needed to bring it into conformity with the Convention.

The Committee's opposition to ratification of the Brussels revision of the Berne Convention is explained as soon as the Committee takes up the question of the term of copyright. In its view, uniform protection for the life of the author and 50 years after his death is an unduly long term. It also seems to be much taken with the idea of reckoning the term from the date of publication rather than the death of the author. The recommendation made on the subject is that in respect of works published in the lifetime of the author the period of copyright should be 56 years from the date of publication or the life of the author, whichever period is the longer. It is clear that the figure of 56 is prompted by the United States system and the two 28-year periods of copyright which apply in that country. In the case of works of joint authorship the period of copyright should be 56 years from the date of publication or until the death of the author who dies last, whichever period is the longer. Naturally it is necessary to define what is meant by publication for the purposes of calculating the term of protection. In this connection the Committee suggests that if before a work is published it has been publicly performed or broadcast or records of the work have been offered for sale, the term of protection should expire 56 years from the first of those acts, or 25 years from the date of publication, whichever term is the longer. In the light of this last proposal, then, the Committee comes up with the following three terms of protection for works published during the author's lifetime, the longest term to apply in each case: 56 years from the date of public performance, broadcasting or the issue of records of the work; 25 years from the date of publication; or the life of the author. As regards works not published during the author's lifetime, to which the Committee does not wish to grant the virtually perpetual protection provided for in the United Kingdom Copyright Act, it is suggested that the term of copyright should expire 56 years after the death of the author. As in the case of works published during the author's lifetime, the protection of posthumous works would also depend on whether they had been communicated to the public before publication in the strict sense. If they had, the same alternative would be provided: either 56 years after the first public performance, broadcast or offer of records for sale, or 25 years after the death of the author, whichever period is the longer.

The Committee does not favour granting the same term of protection in the photographic field, and recommends that the copyright in photographs should run out 40 years from the taking thereof. The same term would apply to sound recordings, in which, as will be seen below, a copyright should subsist, and to cinematograph films and broadcast programmes. It may be mentioned that the first drafts of the Copyright Bill tabled in the United Kingdom Parliament likewise provided a shorter period of protection in these various cases, and that it was only during the Parliamentary debates that a uniform term of 50 years was introduced in all the relevant sections of the Copyright Act.

Fair dealing is the subject of recommendations which do not deviate very widely from the provisions on this point in the current United Kingdom Copyright Act. Specifically it is suggested that New Zealand should take over section 6 (3) (b) of the U.K. Act, which provides exceptions for the purpose of reporting current events by means of broadcasting or in a cinematograph film. The New Zealand Committee does not recommend, as it would seem logical to do, that this provision, which relates only to literary, dramatic and musical works, should also apply to artistic works appearing as one of the principal matters in the television or newsreel report. On the other hand, the Committee did notice that the United Kingdom Copyright Act did not apply the same "fair dealing" provisions to cinematograph films, sound recordings and broadcasts as it did to "works" in the strict sense, and it accordingly proposes that the balance be restored and that the provisions as to fair dealing which apply in respect of literary, dramatic and musical works under section 6 of the United Kingdom Act should apply equally in respect of sound recordings, cinematograph films and broadcasts.

The public performance of broadcast programmes by means of loud-speakers and television screens was gone into at length by the New Zealand Committee, which saw fit to make very different recommendations from the provisions in the U.K. Copyright Act. Basing itself mainly on the recommendations of the Ilsley Commission in Canada, the New Zealand Committee recommends that it should be provided in any new legislation that where a person causes a work to be seen or heard in public by the reception of a broadcast by the New Zealand Broadcasting Service or other body named for this purpose by Order in Council, he does not thereby infringe the copyright in the work. In other words, the Committee is suggesting that the New Zealand Broad-

casting Service (and any other service to which the law on this point might be applied) should pay at the source not only the fees for broadcasting but also the fees in respect of the public reception of broadcasts. The New Zealand Committee considers itself entitled to make such a proposal from the international point of view, because it holds the proposal to be compatible with Article 11 of the Berne Convention as revised at Rome and even with Article 11 *bis* (2) of the Brussels text. This exemption for the public reception of broadcasts should apply not only in respect of musical works but also in respect of literary and dramatic works and cinematograph films. It should, however, relate only to diffusion that is simultaneous with the broadcast; if a broadcast is first recorded and then performed in public over a loud-speaker, the person responsible for this two-fold act should, in the opinion of the Committee, pay the public performance licence fees as if the performance was not based on a broadcast.

The Committee does not recommend the institution of any compulsory licences apart from that which already operates in favour of the gramophone industry. It does, however, devote considerable space to the way in which the rate of royalty should be calculated and the amount paid. According to another recommendation of the Committee, the record manufacturer should be invested with a copyright on the pattern of that granted by the U.K. Copyright Act, but this copyright should be more restricted. It would include the right to authorise the making of records embodying the copyright recording, the right to authorise the broadcasting of the recording, and the right to authorise the recording to be heard in public, if this public performance is given in a place to which a charge is made for admission, if it is given through the agency of a juke-box, if the person causing the recording to be heard receives payment for the performance, or if such a payment is made to the owner of the records used in giving the performance. Clubs, societies and other similar organisations should be unaffected by the copyright vested in the record manufacturers. Lastly, by analogy with what is said above, the manufacturers' copyright would not extend to the public performance of broadcasts including records, even if the public is made to pay for admission. The 40-year term of protection to which reference has been made above would begin from the first publication of the record, without the manufacturers being required to indicate on the record or jacket the year of first publication, as prescribed in the U.K. Act.

The New Zealand Committee recognises the value of ephemeral recordings to the broadcasting organisation, the more so because the New Zealand Broadcasting Service, being a Government service, is not formally bound at present by the copyright legislation, which does not apply to Crown activities. It is true that this organisation has never sought to evade payment of copyright fees, and it is even willing that the new legislation should be made binding upon it. In exchange it has requested the right to make ephemeral recordings, and the Copyright Committee accedes to this request by recommending that section 6 (7) of the United Kingdom Copyright Act should be taken over into the New Zealand legislation, but with various amendments. The broadcasting organisation making the recording would be permitted to make up to six copies, and the record and all the copies thereof would have to be destroyed or neutralised before the end of a period of six months beginning with the day on which any of them is first used for broadcasting. The Committee recommends that ephemeral recordings of an exceptional documentary character should be allowed to be preserved in official archives and also that it should not be expressly stated that authorisation to broadcast is a prerequisite to the making of ephemeral records. In this connection, readers will recall how this restriction in the U.K. Copyright Act was used by the Performing Right Society against one of the programme contractors of the Independent Television Authority [1]. It goes without saying that authority to make ephemeral recordings would extend to visual as well as to sound broadcasts, and the reader is reminded that under the heading of "fair dealing" the Committee recommends that ephemeral recordings should be authorised not only in respect of original works in the strict sense but also in respect of cinematograph films and sound recordings.

As to cinematograph films themselves, the New Zealand Committee recommends that the provisions governing them in section 13 of the U.K. Copyright Act should simply be carried over into New Zealand law, though it favours a reduction of the term of copyright from 50 to 40 years.

Turning now to the protection of sound and television broadcasts, the Committee suggests three important modifications to the system inherent in section 14 of the U.K. Act. First of all, television broadcasts should not be protected against performance in public. The New Zealand Committee considers that when a television service is in operation in New Zealand it will not encounter the same difficulties as have been experienced in Europe, and that it will be able to do without protection against the public showing of broadcasts without any adverse effects on the structure of the programmes themselves. In the second place, the Committee proposes, contrary to the United Kingdom provisions on the matter, that television broadcasts should also be protected against the taking of still photographs, the principal argument being that it is necessary to protect the press agencies with sole licences to take press photographs against publication in the newspapers of photographs taken off the television screen. In the third place it is recommended that the term of copyright in broadcasts should be reduced from 50 to 40 years from the end of the year in which the broadcast was first made. Wire relay or diffusion services do not yet exist in New Zealand, but recommendations are nevertheless made on the subject: the Committee proposes the adoption of the U.K. provisions, which it reads as meaning that a person operating a diffusion service would not be liable for infringement of copyright so long as he confined himself to diffusing sound or television programmes contemporaneously with the actual broadcast. Licences from the owners of copyright would, however, be required if the programmes relayed by wire were originated by the operator or if they consisted of broadcast material previously recorded for wire diffusion purposes.

---

[1] See *EBU Review*, No. 56 B, p. 35.

In order to provide a judicial authority competent to determine disputes arising out of copyright, the Committee recommends that a special tribunal be set up under the name " Copyright Tribunal " rather than the designation " Performing Right Tribunal " of the United Kingdom Act. This change of name is not an arbitrary one, and is motivated by the fact that, according to the Committee's proposals, the tribunal should also have jurisdiction over the right of reproduction. As distinct from the U.K. Tribunal, the New Zealand Tribunal should not be limited in its jurisdiction to cases to which a " licensing body " is a party and should also be competent to try disputes involving a single individual acting as copyright owner or as agent for the copyright owner, even though he may grant licences only for individual works. In support of its proposal the Committee refers not only to Article 13 (2) of the Berne Convention but also to the declaration made by the United Kingdom and New Zealand Governments at the time of the revision of Article 11 by the Brussels Conference. Pursuant to this declaration, the Governments making it reserved the right to enact legislation to deal with any abuse of the monopoly rights conferred upon owners of copyright in public performance.

The New Zealand Committee did not look favourably on the claims of the organisers of sporting events or those of the performers. As regards the former, it thought that the creation of a copyright in television broadcasts might already give the promoters of sporting events a measure of satisfaction. It further observes that any abuses in the televising of sporting events could be put down by an alteration to the general law or by introducing a provision similar to section 115 of the Australian Broadcasting and Television Act, under which it is prohibited to televise a sporting event from outside the place where it is being staged. With regard to the performers, the Committee notes that no request that they be given a copyright was presented by their organisations, which would incidentally have a very weak case for such demands, since there was no unemployment crisis in the profession in New Zealand but, if anything, a shortage of professional performers. Similarly, the Committee does not consider it necessary at this stage to advocate the adoption of penal legislation along the lines of the Dramatic and Musical Performers' Protection Act, 1925, in the United Kingdom, so long as no real need for it was felt in the country.

At the end of the report there is an interesting suggestion concerning the remedies and penalties for copyright infringement. The Committee carefully examined the remedies provided by the U.K. Copyright Act, and particularly the relief for infringements committed in good faith. In such a case the only remedy provided under the United Kingdom Act (section 17 (2) (b)) is an account of profits if the infringer had no reasonable grounds for suspecting that copyright subsisted in the work. In view of the special position of New Zealand, the Committee had before it evidence of involuntary infringements that were due not so much to the infringer's belief that the work was copyright clear as to his conviction that he had obtained a licence from the true owner. Now, it happens in New Zealand, possibly because of the great distance from the other continents, that the licence is obtained *a non domino*. In order to meet this case the Committee suggests that section 17 (2) should be altered so that an account of profits would be the only remedy in all cases where the infringer " was not aware, and had no reasonable grounds for supposing, that it was an infringement of copyright ". Through this change the Committee proposes to extend the notion of innocent infringement to cover even the case where the infringer is aware of the existence of copyright, but believes (albeit wrongly) that he has acquired authorisation from the legitimate owner.

SWITZERLAND

Extent of the Performer's Copyright. Judgment of the Federal Court. — In the judgment it handed down on 7th July 1936 the Federal Court held that the performer was the proprietor of a copyright in the recorded " adaptation " of his recitation or performance of a literary or musical work; that this right was tacitly assigned to the record manufacturer; and that the latter was therefore in a position to authorise or prohibit the broadcasting, *inter alia*, of phonographic records reproducing the work of performers. This ruling was similar to that promulgated in Germany in the same year and frequently confirmed since that time.

It has taken the Federal Court more than 23 years to realise that in so doing it placed on section 4 (2) of the Federal Copyright Act an interpretation which went further than the legislature had intended. In an oral judgment of 8th December 1959 the same Court (the highest judicial authority in Switzerland) put an entirely new complexion on the interpretation of this provision. Pending a more thorough analysis of the grounds for this judgment when it appears in print, the following is a summary of the information available at the time of going to press.

A record company brought suit against a Geneva shopkeeper for selling records bearing a trade mark which the plaintiffs had acquired the exclusive right to use in Switzerland, at prices lower than those of other traders. The action was brought on the strength of the performer's copyright assigned to the manufacturer and further assigned by him to the plaintiffs, and the courts were invited to grant an injunction restraining the defendant from selling records bearing the trade mark in question, to confiscate and destroy his stock and to order him to indemnify the plaintiffs. The Geneva Court of Justice gave judgment for the plaintiffs. The Federal Court upset this judgment and laid down the principles on which section 4 (2) should be construed.

According to the Federal Court, it is no longer possible in modern legal thought to regard the performer as an author within the meaning of the Copyright Act. The performance of a literary or musical work is not such a work in its own right for want of any original contribution on the part of the performer. The international endeavour to protect performers by means of an ancillary right is proof that the performer cannot claim a true copyright. Those who consider, even in Swiss legal literature, that the performer, or at least the conductor and the soloists, create a new work are bound to come to a dead end because it is impossible

in practice to make any clear distinction between " creative " and other performers without taking the artistic quality of the performance as the criterion, and it is not for the courts to apply criteria of this nature.

The *ratio legis* of section 4 (2) was to protect the record manufacturers against unauthorised reproduction of their records, and the grant of a copyright to the performer was only a fiction designed to achieve that end. Viewed in this light, section 4 (2) was framed with the sole intention of protecting the manufacturer against piracy by copying, and it was wrong to construe this provision as giving the performer or his assigns access to a copyright with all the appurtenances of such a right.

We hope to be able to publish this all-important judgment *in extenso* in the next issue, and at the same time to correct any inaccuracies that may have crept into the foregoing summary.

Expulsion of Performers from a Union for Appearing in Eurovision Programmes. Judgment on Appeal. — Giving judgment on 28th May 1959, the Zürich Cantonal Court affirmed the judgment of the Zürich Civil Court of 11th February 1958, which was reported in the *Review* No. 48 B, at p. 30. To recapitulate briefly, the defendant, the Swiss Musicians' Association, in 1956 expelled and declared a boycott on a number of its members belonging to a Basle chamber orchestra, the *Collegium Musicum*, who had appeared with the orchestra in television programmes broadcast by the *Société Suisse de Radiodiffusion* (SSR) and relayed over the Eurovision network.

The defendant union is an association under Swiss law whose statutes require it to defend and further the spiritual and pecuniary interests of the musical profession. Article 10 of the statutes, which relates to exclusion from membership, provides that a member may be struck off the rolls of the Association if he betrays the interests or the objects of the Association or if he has forfeited general respect by a " discreditable " act. Members thus expelled may appeal to the delegate assembly within 20 days from their notification of the expulsion. Their names are published in the official organ of the Association.

The plaintiffs, expelled members of the defendant Union, had been taxed with infringing the policy which the Musicians' Association had pursued regarding Eurovision broadcasts since 1954. It was in April of that year that the three international performers' federations in which 12 countries were represented had decided that the national unions would not conclude any agreements with television organisations until such time as an international agreement was signed with the EBU. The national unions were called upon to put a stop to any appearances by their members in relayed television broadcasts. This resolution was immediately printed in the periodical published by the defendant union, together with a caution to the same effect. On 29th October 1955 the Swiss Television Service signed a contract with the Basle chamber orchestra engaging it to appear in television broadcasts and stipulating that in the event of foreign relays every member of the orchestra appearing on the screen would receive a supplement. On 27th April 1956 the Swiss Television Service scheduled a broadcast in which the Basle orchestra and others were due to perform and which was to be relayed abroad. Despite the urging of certain officials of the Association, the Basle orchestra went through with the broadcast, which brought upon the plaintiffs the disciplinary action decreed by the Association. They were all expelled from the union for at least two years, and all other members of the Association were forbidden to play with the expelled members apart from any contractual obligations to the Basle orchestra.

The Zürich Civil Court of first instance in which the action came up dismissed the expelled members' suit for the reasons set out in the above-mentioned report.

An appeal was lodged with the First Civil Chamber of the Court of Appeal of the Canton of Zürich, which affirmed the judgment of the lower court. It is perhaps worth while to summarise the line of reasoning taken by the Court of Appeal. Citing a precedent of the Federal Supreme Court, it endorsed the principle that the intention of the legislature had been to preserve the autonomy of associations under Swiss law to the greatest possible extent and to allow disputes to be taken to court only when every possibility of appeal within the association had been exhausted. Here the Court asked itself whether the action had been brought in the proper manner, and found that although the plaintiffs had not complied with all the procedure laid down in the statutes, the defendant Association for its part had omitted to put this in issue, so that it could be held from a formal point of view that the writ was not defective.

This being so, the Court then had to determine whether the expulsion was not void on the merits, either because it was contrary to the statutes of the defendant union or because it constituted a manifest abuse of a right within the meaning of Article 2 of the Swiss Civil Code.

As to the first point, while pointing out that the plaintiffs had only been given a few hours' notice to put themselves right with the union and thus avoid expulsion, the Court was of the opinion that the plea in bar which might have been raised on this fact could no longer be entertained, as the point had not been taken by the plaintiffs. As to the second point concerning abuse of rights, the Court launched into a subtle argument that rather suggests that the final decision was not reached without some difficulty. The Court observed that the statutes of the respondent Association say nothing of any obligation on members to join in any coercive measures conducted by the union, whereas in the rules of the major workers' organisations hostile action is expressly provided for, including the boycotting of undertakings. If the Court had been at liberty to hand down a decision as a court of fact, it would, as it itself admits, have revoked the plaintiffs' expulsion for want of statutory justification. But as a Court of Appeal it had to confine itself to inquiring whether the expulsion was not an abuse of right within the meaning of the aforementioned provision.

In this context it was bound to find that the Association could validly hold the expelled musicians responsible for having betrayed the interests and objects of the Association, within the meaning of Article 10 of the statutes. In view of this close link between the plaintiffs' acts and their expulsion, the possibility of an abuse of rights must be ruled out. There still remained the ques-

tion whether the steps taken by the union were not at variance with the protection of the individual's civil rights, which is also guaranteed by law. In this regard the Court came to the conclusion that these steps were only disciplinary ones and had not affected the vital interests of the plaintiffs. This opinion was confirmed, in the opinion of the Court, by the fact that an agreement was reached between the defendant Association and the Swiss Television Service on 5th October 1956, and that immediately afterwards the steps taken against the plaintiffs had been suspended, with the exception of the expulsion. At a later date an international agreement was entered into by the EBU and the international performers' federations, with the result that the boycott was finally withdrawn and the plaintiffs were no longer molested in the exercise of their profession.

Thus although it was found receivable, the appeal was dismissed, the judgment of the court below affirmed and costs were awarded against the plaintiffs.

On an appeal to the highest court, the Federal Court has just affirmed the judgment of the Court of Appeal and finally dismissed the plaintiffs' suit.

BOOK REVIEWS

Grundfragen des Filmrechts, by Otto-Friedrich Freiherr von Gamm. Carl Heymanns Verlag KG., Berlin-Köln, 1957.

Lateinamerikas urheberrechtliche Gesetzgebung, by Dr. Wenzel Goldbaum, Lima (Peru). Schriftenreihe der *UFITA*, Brochure No. 12. Verlag für angewandte Wissenschaften, Baden-Baden, 1959.

Baron von Gamm, a judge of the Munich *Landgericht*, has written an essay on the fundamental problems of film law that is in the best traditions of Germanic scholarship; it is generously, not to say exhaustively, supplied with footnotes, especially references to cases quoted, and the opinions of the author take root in them like plants deriving their sustenance from a fertile mulch.

In his initial chapter Baron von Gamm recalls that the author is always the person who has created the work, whence the conclusion that corporate bodies cannot be the first owners of copyright in the films they finance, as a matter of plain common sense. The creative artist who is a party to a contract of service or a contract for services continues to be invested with the initial copyright in his work, in which the master or employer can of course acquire a derived right by way of assignment. On the other hand, an associate whose contribution is not creative has no claim to the status of joint author; he is a mere operative for whom the contractually appointed fee is recompense enough. Similarly, but at the other end of the scale, that person has no part of authorship who supplies the rough outline of a plot or a situation from which a concrete work may be conceived. Somewhere in between this begetter and the hired employee are the creators who rank as authors: according to German law they will form a " community by undivided shares " or, in many cases, a company or partnership. The latter company or partnership may in fact comprise not only the authors but also partners or stockholders of less exalted legal rank, depending on the contract of association between the participants in the work.

Cinematographic works are the text-book example of how a number of persons can co-operate in the making of an intellectual work. Baron von Gamm ably shows how such works have broken down the conventional partitions in copyright. A film (by which I mean a film with a plot) is neither a dramatico-literary work nor an artistic work, nor yet a musical work. Though akin to opera and musical comedy (as is well brought out by Mr. Peter Sutermeister in his book *Das Urheberrecht am Film*, published by the Verlag für Recht und Gesellschaft, Basle, 1955), it is a *genre* of its own that does not quite fit into any of the classes listed in the copyright laws of the early 1900's.

One day, perhaps, the film will be considered to be the characteristic art form of our times. In the meantime we must look to its protection. It was natural and simple to apply to it the criterion of individuality, a requisite for everything within the copyright fold. It is in determining the recipients of copyright that the trouble begins. To say that the intellectual creators of a cinematographic work qualify as authors is to settle for a truism that will hardly bring us nearer a solution. There is a point in it, for all that, namely that a film author must have played a creative role in the making of the film — whence the deduction that a bare licence by the author of a story or a play to adapt his work for the screen does not of itself imply that he has any part in the result produced by that adaptation. Baron von Gamm deserves our commendation for bringing out this point so clearly. Of course, the author of the initial work has a stake in the film, which partly owes its existence to him. But he does not adapt his work himself; he merely agrees to allow the film people to use it. His right, which is both necessary and sufficient, lies in consenting to the adaptation, in a contract specifying the extent and the terms of the licence.

Now that the author of the adapted work has been put where he belongs (which is no disparagement to him), it remains for us to appraise the role of the many workers who co-operate in the making of a cinematograph film. Certain laws contain indications on the subject which we can once again dismiss as truisms: it is obvious that the authors of the scenario and the dialogue are creative contributors to the film, and the same is true of the music composer who writes a score for the purpose. Here Baron von Gamm makes a subtle distinction. In the first place, naturally enough, the composer of a pre-existing musical work is not a joint author of the film, and can only become one by arranging his own music for the purpose of performance in cinemas in conjunction with the visual print. But the writer thinks that even this is not enough, and insists that the composer, in addition to this work of re-casting, should take a personal part in the process of actually making the film, a requirement which he consequently makes also of the composer of a special and complete score for the film. Isn't this going too far ? In my view the creative contribution consists in providing something " made to measure ", whether it be an arrangement or an original composition. If I understand Baron von Gamm aright, he wants the composer to help in addition with the co-ordination of the various components of the film; and this, I suggest, although possible and doubtless often done, is not indispensable.

Independently of the literary and musical contributors whose creative contributions are not open to argument since they fall into the normal pattern of works covered by copyright, the motion picture industry calls upon a host of other talents which it is important to put in their proper legal perspective. What is the position regarding the many technicians, engineers, cameramen and other specialists who are often listed in the credit titles of the film ? Most of the time they will not be numbered among the authors, though an exception may be made for the cameramen who by dint of professional skill succeed in

making documentary films artistic (e.g. *Les Profondeurs de la Mer*, and *La Route fantastique*).

To my mind the most delicate problem is that of the actors and those who direct them, the directors and producers. The prevailing theory in copyright circles excludes them from the Promised Land, so to speak, and this is in particular the basic opinion of Messrs. Sutermeister and von Gamm. Sutermeister especially appears to be resolutely opposed to any school of thought that regards the director as one of the authors, or in certain cases the principal author, of the film. It will however be noted that films are coming more and more to be spoken of as the progeny of their directors: the two versions of *The Blue Angel* sail under the colours of their respective *metteurs en scène*. Sternberg, René Clair, Jean Renoir, Orson Welles, Preminger, Rossellini, Fellini, Vadim, Clouzot, Marcel Camus, Hitchcock and Louis Malle are commonly called film authors by the general public. [1] I admit that this is not an unanswerable argument against the contentions of Messrs. Sutermeister and von Gamm, but the widespread use of this designation does nevertheless point up the overwhelming importance of the director in the making of a film. It is perhaps not too much to say that the film director, who gives the work its tempo and its accent *once and for all*, wields a more decisive influence in his own field than does the producer of a stage play, for in some respects every performance of a play is a new interpretation, the product of the living and changing acting of the cast. This being so I would not be loath to acknowledge the creative function of the film director. (Incidentally, even in the theatre there is a tendency to make much of the *metteur en scène*, as is proved by the recent production of *Carmen* at the Paris Opéra.) Although he is in principle averse to this theory, von Gamm does not dismiss it out of hand, because he concedes that directors of renown (and also the star actors) should have a say in the choice and treatment of the subject. Those who are capable of making an outstanding contribution should be in a position to decline engagements which appear to be incompatible with their reputations. This is only one step removed from regarding the latter as the touchstone of a creative contribution. The actor, and particularly the actor of talent, adds something of his own to the part offered to him by the author, and the personal and individual nature of the director's contribution is equally undeniable. It therefore seems wrong to deprive these two classes of persons of the status of creative contributors to the finished film. Moreover, as Baron von Gamm rightly points out, it is impossible to lay down rigid rules in this matter; the question of who the authors of a cinematographic work are is one that must be settled on the facts of the individual case. The credit titles that normally precede the film itself give one something to go by, but cannot be relied on altogether. In the last analysis recourse may be had to the old criterion used in the courts, namely that of the individuality of the personal touch that can be seen in the director's art or the actor's performance when genuine talent is present. I appreciate that my conclusion is somewhat at sixes and sevens with the accepted theories of copyright. I have no pretensions to set up as an arbiter in the face of an orthodoxy that would give short shrift to my criticisms; all I am asking is that people should take a second look at the work done by the director and the performer. The methods of recording that result from modern inventions might perhaps induce the law makers to widen somewhat the circle of those in whom a copyright will vest.

As has been said above, films are very often made from a previous work, e.g. a novel or a play, which as such continues to go its own way. This being so, the problem of the restricted or unrestricted use of the work of others arises with particular acuteness in the cinematographic field. Baron von Gamm discusses the question very appositely, and observes that the more striking the personality reflected in the pre-existing work, the more the subsequent author will have to make his presence felt if he wishes to dispense with authorisation to follow the initial work.

The title of a film is of great importance, as its drawing power has a considerable influence on the box-office receipts. This explains why the motion picture industry in Germany has established a register of titles in which producers can announce their forthcoming films, with a brief description of the subject, and stake a claim to the titles under which they will be shown to the public. The register is a kind of self-defensive measure instituted by the film interests themselves. Although optional, the system works well, and Baron von Gamm does well to mention it; he might indeed have given it more prominence.

" *Droit moral* " is no easy matter to handle in the field of motion pictures. It goes without saying that it is the preserve of the authors of the film alone, to the exclusion of the non-creative technical assistants. However, the authors will frequently be constrained to come to terms with the perspective of the screen, so different from that of the theatre or the novel. The rule of German law that the author cannot in fairness prohibit such alterations as may be needed for the rational communication of his work to the public takes on its full significance where films are concerned, on account of the very nature of creative cinematographic art, in which so many different persons and factors are involved. An original work adapted for the screen will as a rule have its structure, and sometimes its nature, modified pretty extensively in the film version, and a similar (though less apparent) fate will befall the *ad hoc* contributions — scenario, script and musical score. But why, after all ? Baron von Gamm speaks of *Verkehr*, the ideas prevailing in the business world. No one will dispute that, but it is merely a finding of fact. On the face of it, there seems to be no imperative reason why a novel made into a film should undergo more alterations than when it is converted into a play. Is it that the exceptionally heavy cost of a film by comparison with other ways of presenting a work (e.g. publishing, performance or broadcasting) compels the producer financially responsible to go all out for pecuniary returns, to which a publisher or a concert or theatrical impresario can afford to be more indifferent ? I proffer this explanation for what it is worth, but I should welcome a better one.

A word should be said about the chapters dealing with the contracts arising out of film making and distribution, a broad and highly technical field that needs to be explored

[1] As for Charlie Chaplin, it can truly be said that he plays every role.

by an expert. The author, in his capacity as a judge in a city with varied spiritual and material resources, commands (as one would expect) a wide experience of these complex problems and of the whole range of film litigation, in which the maxim *de minimis non curat praetor* is grossly underworked. Those interested in this subject will find a learned guide in Baron von Gamm.

* * *

In the collection of monographs published by the *Archiv für Urheber-, Film-, Funk- und Theaterrecht* (*UFITA*), Mr. Wenzel Goldbaum has published a study in comparative law on copyright in Latin America.

Long familiar with the legal traditions of the South American countries, he was well equipped to undertake this task. By inclination a fighter, Mr. Goldbaum spars with his reader, and the serene (or uncommitted) ataraxy of the philosopher has no attraction for him. In the case in point his critical genius has led him to reveal to the probably ill-informed European reader a Latin America many of whose specific institutions, not all of which are above reproach, are all too little known. For instance, Mr. Goldbaum is a mine of information on the registration so widespread across the Atlantic as a formality for copyright. In this connection the author, who fancies himself as the Mentor of Latin America, has no hesitation about speaking of an " agonising " uniformity. The system of compulsory deposit of two or more copies of the work is called by him a " pestilential " remnant of the Inquisition, which considered it its duty to delve into the vitals of authors suspected of heresy. The allusion to pestilence is perhaps a little far-fetched when one thinks of the other and more burning effects of that areopagus, but the reader gets the point all right.

Most welcome is the information on the treatment of foreign authors under the South American domestic statutes and the bilateral and multilateral Conventions. Mr. Goldbaum does not conceal the fact that conventionary copyright in South America is extremely complicated, not to say confused. His frankness will be appreciated, as will his skill in leading us through a veritable legal maze. There is a little point here. On page 99 the author states that the South American Convention of Montevideo (1889) no longer exists, and gives a cross-reference to his chapter on inter-American copyright, where the said Convention is presented as an instrument that is still in force. This is a contradiction. I believe Mr. Goldbaum made a slight error when writing the sentence on which the cross-reference depends: the Montevideo Convention was revised in 1939, but this revised text has only been ratified by Uruguay and has not yet come into force. The older Convention remains; the new one has never spread its wings for want of a second ratification.

The Universal Convention of Geneva (September 1952) is distasteful to Mr. Goldbaum. He accuses it of adding to the earlier obscurities, of which we already had plenty. I am somewhat tempted to agree with him. But one thing must not be forgotten: the Universal Convention enfolds the United States in a network of intercontinental copyright relations, a feat often attempted but never before achieved. This result alone outweighs many a drawback.

B. M.

E.B.U. ACTIVITIES

10TH SESSION OF THE LEGAL COMMITTEE

The 10th Ordinary Session of the Legal Committee was held in London from 23rd to 27th September 1959. Mr. Lenoble (RTF) presided, assisted by Professor Greco (RAI) and Dr. Brack (ARD). The Session was attended by representatives of the member organisations in the following countries: Austria, Belgium, Denmark, Finland, France, Federal Republic of Germany, Ireland, Israel, Italy, Luxembourg, Monaco, Netherlands, Norway, Sweden, Switzerland, United Kingdom (BBC and ITA), United States (NAEB) and Yugoslavia. The agenda included several important items, and the Committee drew up a number of recommendations, all of which were subsequently adopted by the Administrative Council of the EBU.

As usual, problems arising out of the international protection of ancillary rights were well to the fore in the discussions, there being three items on this subject, namely the preparation of the future universal Convention, the development of a European Agreement for the protection of television broadcasts and the appearance on the market of large-screen projectors for use mainly in cinemas. The Committee examined the latest developments in the process of preparing an instrument for universal ratification and reaffirmed its earlier recommendations designed to safeguard the interests of the broadcasting industry in the new Committee of Experts which is to meet from 9th to 21st May 1960 under the joint auspices of the ILO, the Berne Union and Unesco. As regards the EBU, this meeting will be preceded by various talks at the international level. With regard to the development of a European agreement for the protection of television broadcasts, a task undertaken by the Council of Europe, the Committee examined a preliminary draft of the instrument and drew up directives for the guidance of the EBU representatives on the Committee of Experts convened by the Council of Europe on 14th December 1959 in Strasbourg. Lastly, with reference to the manufacture and distribution of large-screen projectors for television broadcasts, a common policy was laid down by the organisations taking part in the meeting, having regard to the major events which will probably be broadcast over the Eurovision network in the course of 1960. The question will, however, require further consideration and the Bureau of the Committee is to keep the item on its agenda.

The Committee had before it the amendments which, in the unanimous opinion of the Joint EBU/BIEM Committee that was convened shortly before the session of the Committee, should be made to the standard contract between the two organisations. The intention of these amendments is, basically, to allow the BIEM to restrain the exchange of recordings of works in its repertoire with countries in which the law denies foreigners any mechanical rights or broadcasting rights. These amendments were approved by the Committee unanimously and were subsequently adopted by the Administrative Council of the BIEM.

The Committee gave further consideration to the problems involved in the participation of newsreel agencies in the transmission of news over the Eurovision network. A small working party composed of representatives of the Legal Committee and the Programme Committee had previously gone into the matter, and the Committee had before it the conclusions that the working party had come to. The primary consideration was to comply with the conditions governing the use of European link-lines and relays, whether owned by the Post Office authorities or the broadcasting organisations themselves, by doing away with the agency's property rights in news sequences as soon as they are fed into the Eurovision network, and by making these sequences accessible even to organisations that do not possess an annual subscription contract with the agency in question. The suggestion adopted was to draw up a standard contract to be entered into with the agencies concerned, under which any organisation belonging to Eurovision could broadcast pictures from an agency to which it was not a regular subscriber, on payment of a fee per subject or on some other basis. Discussions are in progress on the establishment of this standard contract.

In a related field to that of ancillary rights the Committee had to consider claims submitted by the international performers' federations in connection with international relays in sound broadcasting. These claims were not favourably received, having regard to the fact that in sound broadcasting the relations between the performers and the broadcasting industry had hitherto been as harmonious and peaceful as it was possible to be, and that there seemed to be no imperative reasons for regulating by international agreement a subject which had hitherto remained, without undue difficulties, within the ambit of national agreements.

The Committee deliberated at length over the terminology to be used for the various forms of recording for television purposes. In so doing its aim was not merely to achieve co-ordination and uniformity; its motive was rather the very great importance from the legal and financial viewpoints that may attach to the use of an appropriate terminology in dealings with copyright holders and in the legislative instruments now in pre-

paration. A certain terminology emerged from the discussion, and it was decided to review it jointly with representatives of the Technical and Programme Committees with a view to arriving at a standard nomenclature in all branches of the EBU.

Great interest was shown in the action taken by the Customs Co-operation Council in initiating studies on the preparation of an international Convention relating to the temporary duty-free importation of certain equipment with a bearing on television. The INR was requested to represent the EBU on the Permanent Technical Committee of the Customs Co-operation Council, a decision which puts this important matter in the hands of an organisation that is particularly careful of the interests of broadcasting in general.

A variety of other less spectacular but no less important questions were discussed and recommendations made to the Administrative Council. The Committee's business will be carried on by the Bureau of the Committee, which will hold its next meeting in Monte Carlo beginning on 29th March 1960. At that meeting the main task will be to finalise preparations for the Committee of Experts which will draw up the new draft Convention for the protection of ancillary rights.

SEVENTH PLENARY SESSION OF THE PROGRAMME COMMITTEE AND FOURTEENTH MEETING OF THE BUREAU OF THE PROGRAMME COMMITTEE

Under the Chairmanship of Mr. Marcel Bezençon, assisted by Mr. Jean d'Arcy and Mr. Cecil McGivern, Vice-Chairmen, and Mr. Charles Gilliéron, Director of the Administrative Office and Secretary to the Committee, the Programme Committee held its plenary session on 30th September and 1st October 1959 in London at the kind invitation of the BBC.

As usual, this session had been preceded by meetings of Working Parties GTV/1 (Rapporteur: Mr. S. Pugliese) and GTV/2 (Rapporteur: Mr. J. d'Arcy), and the Bureau of the Programme Committee under the chairmanship of Mr. M. Bezençon.

The agenda of the various bodies were particularly heavy and 22 active and associate members attended the meetings. A close link was established with the Legal and Technical Committees which were meeting in London at the same time.

Eurovision programme statistics for the period from 1st January to 30th June 1959 showed that 104 programmes had been relayed, or an average of 4 a week. The total number of hours of transmission was 823.

The question of relations with the organisers of sporting events was studied in great detail and some practical solutions were found. The Rome Olympic Games and the Winter Olympics at Squaw Valley were the subject of discussion among the members of the Committee.

As regards relations with the organisers of artistic and cultural events on an international scale, the Programme Committee studied and commented on the results of the Prix Italia, the Salzburg Prix, the Eurovision Grand Prix of Television Films in Cannes, the United Nations special programme, etc. The Grand Prix of the Eurovision Song Contest is to be organised by the BBC and held in London in March 1960. The Rules have been slightly amended with a view to increasing the interest of this event.

Educational questions and broadcasts to schools continue to take up a considerable part of the member organisations' attention and Working Party GTV/1 under the chairmanship of Mr. S. Pugliese is to keep abreast of developments in this field.

The Programme Committee learned with interest of the decision to publish illustrated articles in the *EBU Review* on the subject of design in television.

The success was noted of the documentary film series: *High Places of the Mind*, *Scientific Curiosities*, *Le Cinéma dans le Monde*, the International Agricultural Newsreel and the International Children's Newsreel.

The exchange of news film over the Eurovision network is to continue next year after the very successful trial periods.

Other interesting projects which were submitted by members are being studied. They promise to provide participants in Eurovision exchanges with valuable programme material.

21st MEETING OF THE ADMINISTRATIVE COUNCIL

The EBU Administrative Council met in Geneva at the headquarters of the Union on 24th and 26th October 1959, and was chaired by the President, Sir Ian Jacob, assisted by Mr. E. Sundström and Mr. C. Chavanon, Vice-Presidents, and Mr. C. Gilliéron, Secretary-General.

Careful study was given to several problems among which can be mentioned the preparation of the Extraordinary General Assembly, convened for the purpose of revising the Statutes, as well as the Ordinary General Assembly, the programme of activities and the 1960 budgets for the Technical Centre and the Administrative Office of the Union, etc.

Mr. E. L. E. Pawley presented the report of the Technical Committee drawn up after the 11th session in London (see *EBU Review*, No. 58A).

Mr. M. Bezençon then commented on the report of the Programme Committee, dealing among other things with the broadcasting of sporting events, exchanges of filmed material, and Eurovision transmissions. The report of the 7th session of the Programme Committee is published in this number of the Review.

The report of the Legal Committee, which is also published in this issue, was presented by Mr. Lenoble.

All members of the Union have already received the minutes and reports relating to the 21st Meeting of the Administrative Council whose closing session was held in Lisbon on 23rd November 1959, after the ordinary General Assembly of the Union.

The Administrative Council accepted the invitation from Dr. Cejka, of the Österreichischer Rundfunk G.m.b.H., to hold its 22nd Meeting in Vienna from 27th May to 30th May 1960.

10th ORDINARY SESSION OF THE GENERAL ASSEMBLY

Presided over by Sir Ian Jacob, who was assisted by Mr. E. Sundström and Mr. C. Chavanon, Vice-Presidents, and Mr. C. Gilliéron, Secretary-General, this session was held at the Palacio Foz, Lisbon, at the invitation of Mr. Bivar of the Emissora Nacional de Radiodifusão. Twenty-four active member organisations were present or represented as well as several associate members. The International Telecommunication Union (ITU) and the CCIR were unable to attend as other meetings within the framework of the Administrative Radio Conference were taking place in Geneva at the same time.

The Ordinary General Assembly had been preceded by an Extraordinary General Assembly whose agenda included the revision of the Statutes of the Union. It will be necessary to convene another Extraordinary General Assembly to conclude this revision as certain points have yet to be settled.

The Assembly discharged the Council from responsibility for its management and approved the reports presented by the chairmen of the Technical, Legal and Programme Committees, Mr. E. L. E. Pawley, Mr. Lenoble and Mr. Bezençon. It noted with satisfaction the progress of the Union's activities and the increasingly useful work done by the Technical Centre and the Administrative Office of the Union, directed respectively by Mr. Georges Hansen and Mr. Charles Gilliéron. EBU members will receive in due course the minutes and reports concerning this 10th ordinary session of the General Assembly which owed its success to the hospitality of the Emissora Nacional de Radiodifusão and of Radiotelevisão Portuguesa.

At the invitation of the Radio Nacional de España, the 11th ordinary session of the General Assembly will be held in Spain from 25th to 28th November 1960.

In Part A (Technical) of EBU Review No. 59

you will find:

an article by H. Eden, K.H. Kaltbeitzer and H.W. Fastert describing methods of working out optimum networks of VHF and UHF television stations;

a study by H. Mertens of an energy theory of directional hearing and its application to stereophony;

a report on the Administrative Radio Conference held at Geneva during the latter half of 1959, from the point of view of the broadcasting organisations;

numerous news items concerning the technical activities of sound and television broadcasting services, describing notably the present state of broadcasting in the Belgian Congo, the new Bisamberg medium-wave transmitting station near Vienna, the use in Germany of surface-wave transmission lines for feeding transmitting aerials, details of new VHF sound and television broadcasting stations recently opened in France, Germany, Italy and the Netherlands, a new directional microphone developed by the Nederlandse Radio Unie, recently opened B.B.C. television studios at Cardiff and Manchester and the arrangements made for providing rapid television coverage of the ' western summit ' conference in Paris, for American viewers;

tables indicating the situation in the long and medimu wave broadcasting bands in Europe on 1st January 1960 and

a chart illustrating the situation in Band 2 (VHF/FM sound broadcasting) in Europe on 1st January 1960.

EUROPEAN BROADCASTING UNION PUBLICATIONS

Index of articles

The articles published in Nos. 1 to 46 of the *EBU Bulletin* between May 1950 and December 1957 have been indexed in a 36-page roneographed brochure (5 Swiss francs).

Eurovision

The articles written for the fifth anniversary of Eurovision have been reprinted together in a separate brochure from *EBU Review* Nos. 55 B, 56 A and 56 B (2 Swiss francs).

"Television and the Designer"

Mr. Levin's article from *EBU Review* No. 58 B has been reprinted separately (1 Swiss franc).

These publications may be ordered from the EBU Administrative Office, 1 rue de Varembé, Geneva.

WAGONS-LITS COOK

Like wireless waves

THE TRAVEL AGENCY **WAGONS-LITS / COOK**

covers the world with its **400** branch offices

— « J'ai entendu à la radio... »
— « J'ai lu dans le JOURNAL DE GENÈVE»

Deux phrases courantes, quotidiennes, qui prennent une valeur complémentaire dans la période de relations internationales troublées que nous vivons.

La radio vous dit d'heure en heure ce qui se passe; une fois par jour, le Journal de Genève vous dit pourquoi.

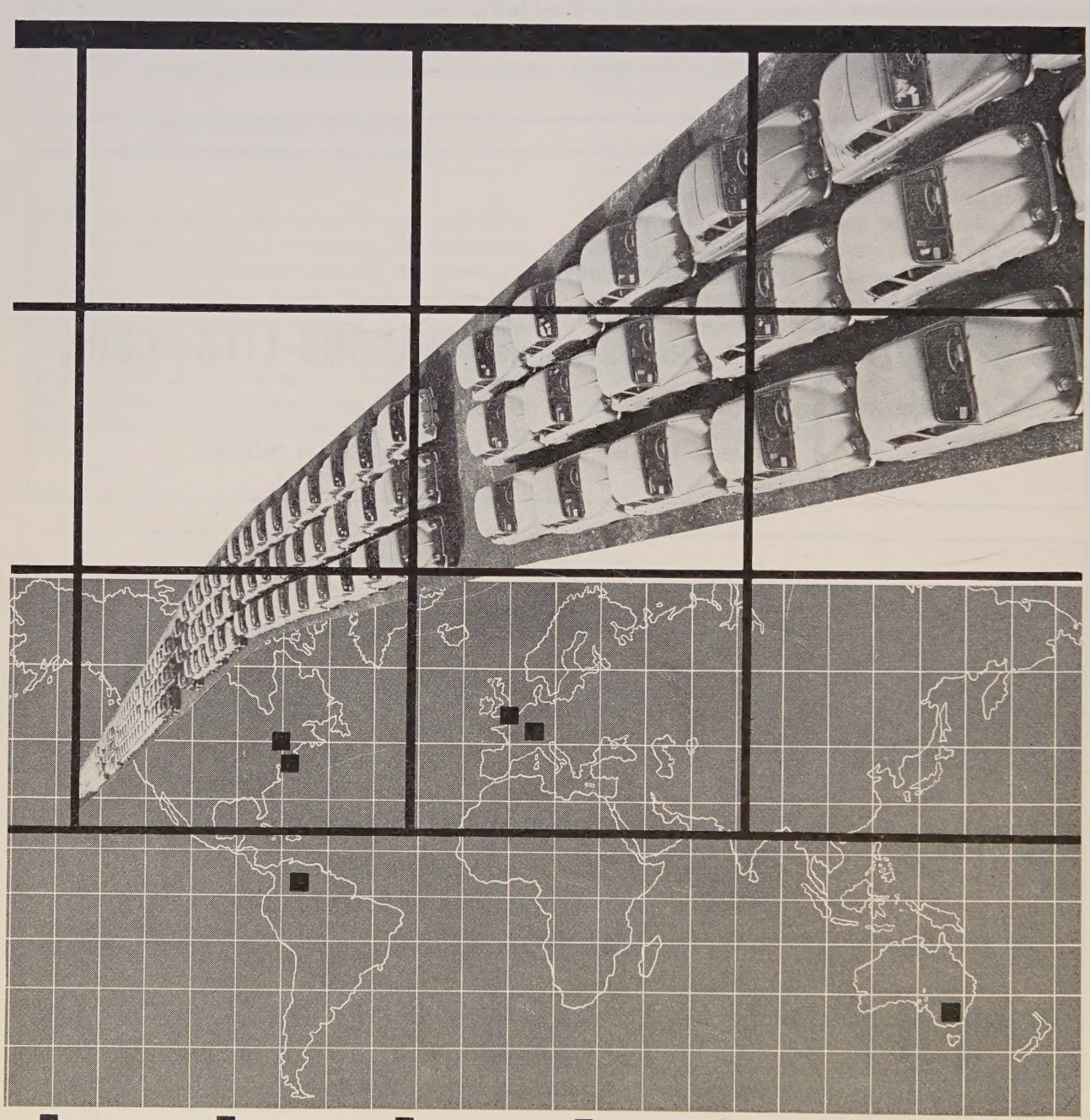
JOURNAL DE GENÈVE

QUOTIDIEN FONDÉ EN 1826 DIRECTEUR GÉNÉRAL: RENÉ PAYOT

Sa tradition de politique étrangère, son autorité en politique suisse, sa compétence en matières économiques et financières font du JOURNAL DE GENÈVE le conseiller éprouvé de l'homme moderne.

Fantastic figures

RENAULT Dauphine



Canada
Deliveries 1957 240
Deliveries 1958 6570
Increase 2637%

Venezuela
Deliveries 1957 989
Deliveries 1958 2609
Increase 154%

Germany
Deliveries 1957 4789
Deliveries 1958 10432
Increase 107%

U. S. A.
Deliveries 1957 33797
Deliveries 1958 61900
Increase 83%

Great Britain
Deliveries 1957 2726
Deliveries 1958 4258
Increase 56%

Australia
Deliveries 1957 1159
Deliveries 1958 2716
Increase 134%

Thirty-two months after the Renault-Dauphine was launched on the world's roads, the 500 oooth vehicle, «running as on rails», left the works at Flins. Half a million cars sold in 2½ years—an unheard-of success achieved solely through confidence in the name of Renault!

Throughout the world the sales curve continues to rise steeply, irresistibly, supported by the enthusiasm of Dauphine drivers...

AUTOMOBILES RENAULT 7, Boulevard de la Cluse, Geneva, phone 022/261340
3, Ankerstrasse, Zurich, Switzerland, phone 051/272721

EUROPEAN BROADCASTING UNION

ADMINISTRATIVE OFFICE

Directorate : Centre International, 1, rue de Varembé, Geneva, Switzerland
Telephone : 33 74 60 - Telegrams : Uniradio Geneva - Telex : 22 230 Geneva

TECNICAL CENTRE

Directorate : 32, avenue Albert Lancaster, Brussels - Telephone : 74 58 30
Telegraphic address : Uniradio Brussels - Telex : 02.230 Brussels

Receiving and Measuring Station - Jurbise-Masnuy (Hainaut), Belgium

International Television Coordination Centre (Eurovision)
Palais de Justice, Brussels, Belgium

(All correspondence should be addressed to the Directorate)

E.B.U. MEMBERS

Active Members

Austria — Oesterreichischer Rundfunk Ges.m.b.H.

Belgium — Institut National Belge de Radiodiffusion

Denmark — Danmarks Radio

Finland — Oy. Yleisradio Ab.

France — Radiodiffusion-Télévision Française

Germany (Federal Republic) — Arbeitsgemeinschaft der Oeffentlich-Rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland (A.R.D.) comprising :
- Bayerischer Rundfunk
- Hessischer Rundfunk
- Norddeutscher Rundfunk
- Nord- und Westdeutscher Rundfunkverband
- Radio Bremen
- Saarländischer Rundfunk
- Sender Freies Berlin
- Süddeutscher Rundfunk
- Südwestfunk
- Westdeutscher Rundfunk

Greece — Hellenic National Broadcasting Institute

Iceland — Rikisutvarpid

Ireland — Radio Eireann

Israel — Israel Broadcasting Service

Italy — RAI - Radiotelevisione Italiana

Lebanon — Service de Radiodiffusion de la République Libanaise

Luxembourg — Compagnie Luxembourgeoise de Télédiffusion

Monaco — Radio Monte-Carlo

Morocco — Radiodiffusion Nationale Marocaine

Netherlands — Nederlandse Radio-Unie, comprising :
- Algemene Vereniging Radio-Omroep
- Nederlandse Christelijke Radio Vereniging
- Omroepvereniging VARA
- Stichting Katholieke Radio-Omroep
- Vrijzinnig Protestantse Radio-Omroep

Norway — Norsk Rikskringkasting

Portugal — Emissora Nacional de Radiodifusão

Spain — Radio Nacional de España

Sweden — Sveriges Radio

Switzerland — Société Suisse de Radiodiffusion

Tunisia — Radiodiffusion-Télévision Tunisienne

Turkey — Directorate-General for the Press

United Kingdom — British Broadcasting Corporation

Vatican State — Vatican Broadcasting Service

Yugoslavia — Jugoslovenska Radiodifuzija

Associate Members

Australia — Australian Broadcasting Commission

Belgian Congo — Radio Congo Belge

Burma — Burma Broadcasting Corporation

Canada — Canadian Broadcasting Corporation

Ceylon — Radio Ceylon

Ghana — Ghana Broadcasting System

Haïti — Service des Télégraphes, Téléphones et Radiocommunications de la République d'Haïti

Japan — Nippon Hoso Kyokai

New Zealand — New Zealand Broadcasting Service

Portugal — RTP - Radiotelevisão Portuguesa

Union of South Africa — South African Broadcasting Corporation

United Kingdom — Independent Television Authority and Independent Television Companies Association Ltd.

United States — American Broadcasting Company
Broadcasting Foundation of America
Columbia Broadcasting System, Inc.
National Association of Educational Broadcasters
National Broadcasting Company, Inc.
National Educational Television and Radio Center
US Information Agency

Imprimerie du « Journal de Genève »

E. B. U. Review
Part B - General and Legal

Price: 3 Swiss francs